

Also, petition of the National Business League, for improvement of the consular service—to the Committee on Foreign Affairs.

Also, petition of the National Business League, for the improvement of the land laws—to the Committee on the Public Lands.

By Mr. FLOYD: Paper to accompany bill for relief of J. McWood—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Association of Army Nurses, for the Dalzell bill—to the Committee on Invalid Pensions.

Also, petition of Fahs & Hubbard, of Hinckley, Ill., for an amendment to the railway rate law to allow contracts for exchange of advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Franco-American Food Company, for modification of the meat-inspection law—to the Committee on Agriculture.

Also, petition of the Monmouth (Ill.) Commercial Club, for an appropriation to improve the upper Mississippi—to the Committee on Rivers and Harbors.

By Mr. HERMANN: Petition of the Commercial Club of Eugene City, Oreg., for an appropriation of \$100,000 for a public building in said city—to the Committee on Public Buildings and Grounds.

By Mr. HINSHAW: Paper to accompany bill for relief of Austin Fosdick and William Martin—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petitions of the Webber Club, of Ogden; T. A. Thovsen, of Logan, et al., for passage of bills for regulation of the hours of work in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Deseret News, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Louis Miller—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: Petition of Adolph C. Holtenroth et al., for improvement of the currency laws—to the Committee on Banking and Currency.

Also, petition of Cleveland and Pittsburg division of Pennsylvania lines, against the sixteen-hour bill (H. R. 18671)—to the Committee on Interstate and Foreign Commerce.

Also, petition of conductors on the Pennsylvania lines west of Pittsburg, against the sixteen-hour bill (H. R. 18671)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New Immigrants' Protective League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Association of Army Nurses of the Civil War, for the Dalzell bill to pension ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of J. W. Rolands, Canton, Ohio, against the employment of all Asiatic coolie labor on the Panama Canal—to the Committee on Labor.

Also, petition of the trainmen of the Pennsylvania system west of Pittsburg, against the sixteen-hour bill (H. R. 18671)—to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. LEE: Papers to accompany bills for relief of the estate of William B. Quinn, the estate of Nancy Cates, the estate of Gunters Peters, and the estate of Alec Baswell—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the National Business League, for permanent consular improvement and commercial enlargement—to the Committee on Foreign Affairs.

Also, petition of the National Business League, for revision of the land laws—to the Committee on the Public Lands.

By Mr. LITTAUER: Paper to accompany bill for relief of Oscar Curtis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alexander Guyon—to the Committee on Invalid Pensions.

By Mr. McLAIN: Paper to accompany bill for relief of Mary Reed Simons—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Louisa Harper—to the Committee on War Claims.

By Mr. NORRIS: Resolutions of the Omaha Grain Exchange, asking for improvement of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. REYBURN: Petition of the National Business League, for reform of the land laws—to the Committee on the Public Lands.

By Mr. RIORDAN: Petition of the National Business League, for permanent consular improvement and commercial enlargement—to the Committee on Foreign Affairs.

Also, petition of the New Immigrants' Protective League, against the Lodge-Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the National Business League, for conservation of the public domain by revision of the land laws—to the Committee on the Public Lands.

By Mr. SHERMAN: Petition of J. M. Brainard, of Rome, N. Y., against certain amendments to proposed copyright law—to the Committee on Patents.

By Mr. STERLING: Papers to accompany bills for relief of J. H. Arrowsmith, James O. Neal, James E. Fitzgerald, and Samuel Stauffer—to the Committee on Invalid Pensions.

By Mr. WALLACE: Petition of citizens of Arkadelphia, Ark., county of Clark, for an appropriation of \$50,000 for extension of work of the farmer's cooperative cotton demonstration—to the Committee on Agriculture.

By Mr. WEEMS: Petition of the Times, Martins Ferry, and the Steubenville Gazette, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Enterprise Council, No. 331; Martins Ferry Council, No. 39; Ohio Valley Council, No. 21; General Fremont Council, No. 14; Steubenville Council, No. 144; Barnesville Council, No. 190, and Toronto Council, No. 10, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WHARTON: Petition of the One hundred and thirteenth Illinois Veteran Volunteer Infantry Association, at Watseka, Ill., for certain amendments to the pension laws—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, January 12, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CLAIM OF DR. G. W. HARKINS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting papers with respect to a voucher for \$2,000, being the claim of Dr. G. W. Harkins, of Colgate, Ind. T., for services in the suppression of smallpox in that Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its chief clerk, announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 822. An act granting a pension to Michael V. Hennessey;

S. 5001. An act granting an increase of pension to Louis A. Baird;

S. 5041. An act granting an increase of pension to George A. Tucker;

S. 4908. An act granting an increase of pension to William H. Kimball; and

S. 6833. An act granting an increase of pension to Bettie May Vose.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 637. An act granting an increase of pension to William H. Bone;

H. R. 676. An act granting an increase of pension to Musgrove E. O'Connor;

H. R. 725. An act granting an increase of pension to George E. Smith;

H. R. 742. An act granting an increase of pension to James Wintersteen;

H. R. 1150. An act granting an increase of pension to Emma J. Turner;

H. R. 1185. An act granting a pension to Josiah C. Hancock;

H. R. 1252. An act granting an increase of pension to Mary E. Mathes;

H. R. 1337. An act granting an increase of pension to James B. Evans;

H. R. 1512. An act granting an increase of pension to Melvin T. Edmonds;

H. R. 1693. An act granting an increase of pension to Joseph Q. Oviatt;

H. R. 1717. An act granting an increase of pension to George M. Fowler;
 H. R. 1723. An act granting an increase of pension to Rutson J. Bullock;
 H. R. 1937. An act granting an increase of pension to Joseph B. Williams;
 H. R. 2055. An act granting an increase of pension to Joanna L. Cox;
 H. R. 2056. An act granting an increase of pension to Lucas Longendycke;
 H. R. 2175. An act granting an increase of pension to James W. Bliss, alias James Warren;
 H. R. 2286. An act granting an increase of pension to Jacob Miller;
 H. R. 2294. An act granting a pension to John J. Berger;
 H. R. 2399. An act granting an increase of pension to Charles F. Sancerainte;
 H. R. 2421. An act granting an increase of pension to Daniel S. Mevis;
 H. R. 2726. An act granting an increase of pension to John C. Keach;
 H. R. 2764. An act granting an increase of pension to George L. Robinson;
 H. R. 2769. An act granting an increase of pension to Ethan A. Valentine;
 H. R. 2793. An act granting an increase of pension to Nathan D. Chapman;
 H. R. 2826. An act granting an increase of pension to Samuel Prochel;
 H. R. 3740. An act granting an increase of pension to John G. H. Armistead;
 H. R. 3989. An act granting an increase of pension to Hiram T. Houghton;
 H. R. 4149. An act granting an increase of pension to Thompson Wall;
 H. R. 4151. An act granting an increase of pension to John W. Howard;
 H. R. 4166. An act granting an increase of pension to John G. V. Herndon;
 H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling;
 H. R. 4670. An act granting an increase of pension to Edward B. Tanner;
 H. R. 4673. An act granting an increase of pension to Samuel Rowe;
 H. R. 4692. An act granting an increase of pension to Levi Welch;
 H. R. 4719. An act granting an increase of pension to Mary J. Trumbull;
 H. R. 4833. An act granting an increase of pension to Samuel F. Anderson;
 H. R. 5173. An act granting an increase of pension to Jacob Henninger;
 H. R. 5174. An act granting an increase of pension to Patrick Turney;
 H. R. 5187. An act granting an increase of pension to Robert John;
 H. R. 5595. An act granting an increase of pension to Elisha Brown;
 H. R. 5729. An act granting an increase of pension to Norman H. Cole;
 H. R. 5776. An act granting an increase of pension to Priscilla A. Campbell;
 H. R. 5801. An act granting an increase of pension to Algernon E. Castner;
 H. R. 5829. An act granting an increase of pension to George Anderson;
 H. R. 6057. An act granting an increase of pension to Emery Crawford;
 H. R. 6060. An act granting an increase of pension to Lorenzo B. Fish;
 H. R. 6088. An act granting an increase of pension to James R. Chapman;
 H. R. 6165. An act granting an increase of pension to Nelson Everson;
 H. R. 6424. An act granting an increase of pension to George Price;
 H. R. 6493. An act granting an increase of pension to Eli Boynton;
 H. R. 6519. An act granting an increase of pension to Samuel W. Whybark;
 H. R. 6524. An act granting an increase of pension to Amos Snyder;
 H. R. 6537. An act granting an increase of pension to William Jackson;

H. R. 6894. An act granting an increase of pension to Daniel O. Corbin;
 H. R. 7378. An act granting an increase of pension to John L. Brown;
 H. R. 7393. An act granting an increase of pension to Ferdinand David;
 H. R. 7551. An act granting a pension to Daniel Robb;
 H. R. 7555. An act granting an increase of pension to John S. Roseberry;
 H. R. 7581. An act granting an increase of pension to Emile Cloe;
 H. R. 7666. An act granting an increase of pension to Joseph C. Mahaffey;
 H. R. 7804. An act granting an increase of pension to John Frett, jr.;
 H. R. 8247. An act granting an increase of pension to Sarah J. Littleton;
 H. R. 8553. An act granting an increase of pension to Thomas E. Aylesworth;
 H. R. 8667. An act granting an increase of pension to Andrew Larick;
 H. R. 9024. An act granting an increase of pension to Lewis Lennox;
 H. R. 9278. An act granting an increase of pension to Melville A. Nichols;
 H. R. 9673. An act granting a pension to Oliver H. Griffin;
 H. R. 9921. An act granting a pension to Ann Lytle;
 H. R. 10033. An act granting an increase of pension to Samuel C. Roe;
 H. R. 10219. An act granting an increase of pension to George S. Boyd;
 H. R. 10317. An act granting an increase of pension to Clarissa A. Frederick;
 H. R. 10402. An act granting an increase of pension to Albert H. Campbell;
 H. R. 10440. An act granting an increase of pension to Amaziah G. Sheppard;
 H. R. 10721. An act granting an increase of pension to Harriett I. Levis;
 H. R. 10738. An act granting an increase of pension to Thomas Prosser;
 H. R. 11141. An act granting an increase of pension to Jesse S. Miller;
 H. R. 11174. An act granting an increase of pension to Isaac Richards;
 H. R. 11307. An act granting an increase of pension to Joseph J. Roberts;
 H. R. 11362. An act granting an increase of pension to Nicholas A. Bovee;
 H. R. 11708. An act granting an increase of pension to Jesse A. Ask;
 H. R. 11869. An act granting an increase of pension to Henry A. Geduldig;
 H. R. 11959. An act granting an increase of pension to Henry J. Rice;
 H. R. 12497. An act granting an increase of pension to Allen M. Haight;
 H. R. 12523. An act granting an increase of pension to Gancelo Leighton;
 H. R. 13031. An act granting an increase of pension to Thomas H. Leslie;
 H. R. 13201. An act granting a pension to Sarah A. Jones;
 H. R. 13253. An act granting an increase of pension to Robert M. C. Hill;
 H. R. 13740. An act granting an increase of pension to Jeremiah Bard;
 H. R. 13805. An act granting an increase of pension to Isaac Gordon;
 H. R. 13806. An act granting an increase of pension to John Campbell;
 H. R. 13956. An act granting an increase of pension to Alfred Featheringill;
 H. R. 13975. An act granting an increase of pension to Thomas H. Primrose;
 H. R. 14046. An act granting a pension to Jimison F. Skeens;
 H. R. 14378. An act granting an increase of pension to Charles Settle;
 H. R. 14675. An act granting an increase of pension to James Davis;
 H. R. 14715. An act granting an increase of pension to Harmon W. McDonald;
 H. R. 14860. An act granting an increase of pension to William D. Campbell;
 H. R. 14884. An act granting an increase of pension to Henry Stauffer;

- H. R. 14983. An act granting an increase of pension to R. T. Dillard Zimmerman;
- H. R. 14995. An act granting an increase of pension to James H. Bell;
- H. R. 15017. An act granting an increase of pension to Joseph Strope;
- H. R. 15139. An act granting an increase of pension to James P. Mullen;
- H. R. 15317. An act granting an increase of pension to James B. F. Callon;
- H. R. 15463. An act granting an increase of pension to John Robb, first;
- H. R. 15630. An act granting a pension to Sarah Kizer;
- H. R. 15631. An act granting an increase of pension to Henry C. Worley;
- H. R. 15839. An act granting an increase of pension to Mary J. Burroughs;
- H. R. 15860. An act granting an increase of pension to Sarah C. Morris;
- H. R. 15868. An act granting an increase of pension to William H. Scullen;
- H. R. 15874. An act granting an increase of pension to Benjamin B. Ream;
- H. R. 15965. An act granting an increase of pension to Stephen Gangwer;
- H. R. 16181. An act granting an increase of pension to Ann Rafferty;
- H. R. 16233. An act granting an increase of pension to Archibald H. R. Calvin;
- H. R. 16340. An act granting an increase of pension to William M. Harris;
- H. R. 16458. An act granting an increase of pension to Daniel W. Gillam;
- H. R. 16487. An act granting an increase of pension to Martha Lavender;
- H. R. 16493. An act granting an increase of pension to William T. Sallee;
- H. R. 16506. An act granting an increase of pension to Kate S. Church;
- H. R. 16698. An act granting an increase of pension to Henry H. Davis;
- H. R. 16813. An act granting an increase of pension to Charles Brumm;
- H. R. 16886. An act granting an increase of pension to Elizabeth A. Murrey;
- H. R. 17058. An act granting an increase of pension to James H. O'Brien;
- H. R. 17094. An act granting an increase of pension to James H. Sperry;
- H. R. 17204. An act granting a pension to Sarah E. Robey;
- H. R. 17330. An act granting an increase of pension to William Tuders;
- H. R. 17331. An act granting an increase of pension to Douglas V. Donnelly;
- H. R. 17334. An act granting an increase of pension to Henry Power;
- H. R. 17335. An act granting an increase of pension to Lewis F. Belden;
- H. R. 17369. An act granting an increase of pension to Minor B. Monaghan;
- H. R. 17483. An act granting an increase of pension to William H. Loyd;
- H. R. 17484. An act granting an increase of pension to John E. Gillispie, alias John G. Elliott;
- H. R. 17581. An act granting an increase of pension to Aquilla Williams;
- H. R. 17620. An act granting an increase of pension to Michael Pendergast, alias Michael Blake;
- H. R. 17634. An act granting an increase of pension to John S. Cochran;
- H. R. 17642. An act granting an increase of pension to Roland M. Johnson;
- H. R. 17712. An act granting an increase of pension to Frank J. Biederman;
- H. R. 17773. An act granting an increase of pension to Carel Lane;
- H. R. 17810. An act granting an increase of pension to Saul Coulson;
- H. R. 17817. An act granting an increase of pension to John Grimm;
- H. R. 17988. An act granting a pension to Edward G. Hausen;
- H. R. 18014. An act granting an increase of pension to Elbridge P. Boyden;
- H. R. 18042. An act granting an increase of pension to James H. Sinclair;
- H. R. 18242. An act granting an increase of pension to Francis Anderson;
- H. R. 18248. An act granting an increase of pension to John D. Evans;
- H. R. 18322. An act granting an increase of pension to Hezekiah James;
- H. R. 18323. An act granting an increase of pension to Richard B. Rankin;
- H. R. 18383. An act granting an increase of pension to Frederick Shinaman;
- H. R. 18574. An act granting an increase of pension to Levi Miles;
- H. R. 18681. An act granting an increase of pension to William E. Gray;
- H. R. 18723. An act granting an increase of pension to William E. Hanigan;
- H. R. 18881. An act granting an increase of pension to Alexander B. Mott;
- H. R. 18969. An act granting an increase of pension to Herman Hagemiller;
- H. R. 19133. An act granting an increase of pension to Fergus P. McMillan;
- H. R. 19263. An act granting an increase of pension to John Ingram;
- H. R. 19271. An act granting an increase of pension to Joseph J. Bryan;
- H. R. 19294. An act granting an increase of pension to Francis M. Hatten;
- H. R. 19384. An act granting an increase of pension to Susan E. Hernandez;
- H. R. 19385. An act granting an increase of pension to Agnes E. Calvert;
- H. R. 19400. An act granting an increase of pension to Washington M. Brown;
- H. R. 19401. An act granting an increase of pension to Campbell Cowan;
- H. R. 19448. An act granting an increase of pension to Abiram P. McConnell;
- H. R. 19526. An act granting an increase of pension to Judson H. Holcomb;
- H. R. 19546. An act granting a pension to Sarah M. Roach;
- H. R. 19581. An act granting an increase of pension to Mary E. Bookhammer;
- H. R. 19628. An act granting an increase of pension to Elizabeth Mooney;
- H. R. 19706. An act granting an increase of pension to Almon Wood;
- H. R. 19762. An act granting an increase of pension to Clara C. Edsall;
- H. R. 19770. An act granting an increase of pension to James G. Van Dewalker;
- H. R. 19772. An act granting a pension to Mary L. Kirlin;
- H. R. 19832. An act granting an increase of pension to George W. Smith;
- H. R. 19863. An act granting an increase of pension to Walter B. Swain;
- H. R. 19869. An act granting an increase of pension to John E. Bowles;
- H. R. 19943. An act granting an increase of pension to Edward La Coste;
- H. R. 19967. An act granting an increase of pension to Martin L. Ohr;
- H. R. 19969. An act granting an increase of pension to Henry K. Burger;
- H. R. 19976. An act granting a pension to Nelson Isbill;
- H. R. 19994. An act granting a pension to Ritty M. Lane;
- H. R. 20000. An act granting an increase of pension to Thomas R. Elliott;
- H. R. 20036. An act granting an increase of pension to Oliver T. Westmoreland;
- H. R. 20060. An act granting an increase of pension to Anna E. Hughes;
- H. R. 20079. An act granting an increase of pension to Richard F. Barret;
- H. R. 20091. An act granting an increase of pension to John A. Smith;
- H. R. 20188. An act granting an increase of pension to John H. McCain, alias John Croft;
- H. R. 20189. An act granting an increase of pension to Thomas W. Daniels;
- H. R. 20201. An act granting an increase of pension to Charles W. Airey;
- H. R. 20212. An act granting an increase of pension to George W. Green;

- H. R. 20215. An act granting an increase of pension to Riley J. Berkley;
- H. R. 20224. An act granting an increase of pension to Philip Hamman;
- H. R. 20236. An act granting an increase of pension to William E. Richards;
- H. R. 20244. An act granting an increase of pension to Alfred Hayward;
- H. R. 20286. An act granting an increase of pension to Bartholomew Holmes;
- H. R. 20291. An act granting an increase of pension to Emma F. Buchanan;
- H. R. 20356. An act granting an increase of pension to Mary T. Mathis;
- H. R. 20415. An act granting an increase of pension to John H. Krom;
- H. R. 20557. An act granting an increase of pension to Webster Miller;
- H. R. 20558. An act granting an increase of pension to Mark W. Terrill;
- H. R. 20568. An act granting an increase of pension to Chester R. Pitt;
- H. R. 20571. An act granting an increase of pension to Frederick J. Dowland;
- H. R. 20581. An act granting an increase of pension to Nettie G. Kruger;
- H. R. 20586. An act granting an increase of pension to Calvin Judson;
- H. R. 20587. An act granting an increase of pension to Francis McMahon;
- H. R. 20589. An act granting an increase of pension to Amanda Cherry;
- H. R. 20605. An act granting a pension to Mary E. P. Barr;
- H. R. 20613. An act granting an increase of pension to Hiram Steele;
- H. R. 20614. An act granting an increase of pension to James Howardson;
- H. R. 20618. An act granting an increase of pension to George W. Brinton;
- H. R. 20647. An act granting an increase of pension to Dominick Garvey;
- H. R. 20654. An act granting an increase of pension to William A. Nichols;
- H. R. 20685. An act granting an increase of pension to Joseph R. Benham;
- H. R. 20686. An act granting an increase of pension to Joshua S. Jayne;
- H. R. 20689. An act granting an increase of pension to Francis Doughty;
- H. R. 20715. An act granting an increase of pension to Charles Ballantyne;
- H. R. 20717. An act granting an increase of pension to Adelbert E. Bleekman;
- H. R. 20719. An act granting an increase of pension to James C. Price;
- H. R. 20727. An act granting an increase of pension to William Conwell;
- H. R. 20728. An act granting an increase of pension to Ira D. Hill;
- H. R. 20729. An act granting an increase of pension to Benjamin Lyons;
- H. R. 20730. An act granting an increase of pension to John Carpenter;
- H. R. 20731. An act granting an increase of pension to Peter Buchmann;
- H. R. 20733. An act granting an increase of pension to Oscar Andrews;
- H. R. 20734. An act granting an increase of pension to Amos Kellner;
- H. R. 20737. An act granting an increase of pension to William G. Whitney;
- H. R. 20821. An act granting an increase of pension to John L. Newman;
- H. R. 20822. An act granting an increase of pension to Milton L. Howard;
- H. R. 20831. An act granting an increase of pension to James R. Dunlap;
- H. R. 20834. An act granting an increase of pension to Franklin Comstock;
- H. R. 20842. An act granting an increase of pension to Henry Joyce;
- H. R. 20851. An act granting an increase of pension to Henry Hamme;
- H. R. 20852. An act granting an increase of pension to Theodore T. Tate;
- H. R. 20854. An act granting an increase of pension to Thomas Welch;
- H. R. 20855. An act granting an increase of pension to George Hierl, alias George Hill;
- H. R. 20856. An act granting an increase of pension to Catharine A. Greene;
- H. R. 20859. An act granting an increase of pension to Henry C. Hughes;
- H. R. 20860. An act granting an increase of pension to Charles T. Chapman;
- H. R. 20861. An act granting an increase of pension to Catharine Weigert;
- H. R. 20862. An act granting an increase of pension to August Weber;
- H. R. 20881. An act granting an increase of pension to Martha J. Weaverling;
- H. R. 20882. An act granting an increase of pension to Luther W. Harris;
- H. R. 20887. An act granting an increase of pension to Emma Walters;
- H. R. 20929. An act granting an increase of pension to Thomas D. King;
- H. R. 20930. An act granting an increase of pension to Joseph Rouge;
- H. R. 20931. An act granting an increase of pension to John N. Shear;
- H. R. 20960. An act granting an increase of pension to Sarah M. Bickford;
- H. R. 20966. An act granting an increase of pension to Thomas Jones;
- H. R. 20967. An act granting an increase of pension to Samuel W. Hines;
- H. R. 20970. An act granting an increase of pension to Edgar Weaver;
- H. R. 20973. An act granting an increase of pension to Henry Lufft;
- H. R. 21000. An act granting an increase of pension to Mary Evans;
- H. R. 21002. An act granting an increase of pension to William Wiggins;
- H. R. 21026. An act granting a pension to Delia S. Humphrey;
- H. R. 21033. An act granting an increase of pension to William P. Huff;
- H. R. 21043. An act granting an increase of pension to Robert J. Dewey;
- H. R. 21046. An act granting a pension to Jesse Harral;
- H. R. 21047. An act granting an increase of pension to Jesse J. Melton;
- H. R. 21060. An act granting an increase of pension to Gottlieb Kirchner;
- H. R. 21061. An act granting an increase of pension to James Collins;
- H. R. 21077. An act granting an increase of pension to Andrew M. Dunn;
- H. R. 21078. An act granting an increase of pension to Henry C. Davis;
- H. R. 21079. An act granting an increase of pension to Patrick Kinney;
- H. R. 21086. An act granting an increase of pension to Jerry Johnson;
- H. R. 21113. An act granting an increase of pension to Emma M. Chamberlin;
- H. R. 21122. An act granting an increase of pension to Nathan Small;
- H. R. 21123. An act granting an increase of pension to Lawrence McHugh;
- H. R. 21139. An act granting an increase of pension to Willa Fyffe;
- H. R. 21148. An act granting an increase of pension to Jacob A. Graham;
- H. R. 21157. An act granting an increase of pension to George C. Peak;
- H. R. 21161. An act granting an increase of pension to Henry J. Rhodes;
- H. R. 21162. An act granting an increase of pension to John W. Humphrey;
- H. R. 21227. An act granting an increase of pension to Parthena Lasley;
- H. R. 21246. An act granting a pension to Margaret Guilroy;
- H. R. 21255. An act granting an increase of pension to Thomas McDowell;
- H. R. 21256. An act granting an increase of pension to William Foster;
- H. R. 21258. An act granting an increase of pension to James Dopp;

H. R. 21264. An act granting an increase of pension to David J. Wise;
 H. R. 21270. An act granting an increase of pension to Ellen Sullivan;
 H. R. 21274. An act granting an increase of pension to Jeremiah Buffington;
 H. R. 21277. An act granting an increase of pension to Robert Martin;
 H. R. 21279. An act granting an increase of pension to Martin Heller;
 H. R. 21280. An act granting an increase of pension to Isaac Cain;
 H. R. 21281. An act granting an increase of pension to Catharine Ludwig;
 H. R. 21283. An act granting an increase of pension to Frederick De Planque;
 H. R. 21303. An act granting an increase of pension to James Edward Bristol;
 H. R. 21307. An act granting an increase of pension to Samuel Fauver;
 H. R. 21320. An act granting an increase of pension to Ma-linda H. Hitchcock;
 H. R. 21322. An act granting an increase of pension to Elizabeth Wilson;
 H. R. 21325. An act granting an increase of pension to George O. Tibbitts;
 H. R. 21331. An act granting an increase of pension to Robert O. Bradley;
 H. R. 21332. An act granting an increase of pension to John R. Smith;
 H. R. 21335. An act granting an increase of pension to Harvey S. Nettleton;
 H. R. 21343. An act granting an increase of pension to James C. Murray;
 H. R. 21344. An act granting an increase of pension to Edward S. Lightbourn;
 H. R. 21347. An act granting an increase of pension to Jeanette M. Guiney;
 H. R. 21354. An act granting a pension to Mary Shutler;
 H. R. 21355. An act granting an increase of pension to John Cooper;
 H. R. 21375. An act granting an increase of pension to John S. Cornwell;
 H. R. 21376. An act granting an increase of pension to John W. Stichter;
 H. R. 21427. An act granting an increase of pension to Thomas L. Moody;
 H. R. 21428. An act granting an increase of pension to Cornelius H. Lawrence;
 H. R. 21432. An act granting an increase of pension to Benjamin Bragg;
 H. R. 21446. An act granting an increase of pension to William A. Crum;
 H. R. 21448. An act granting an increase of pension to Jesse Jackman;
 H. R. 21470. An act granting an increase of pension to Mary Rebecca Carroll;
 H. R. 21471. An act granting an increase of pension to Adaline H. Malone;
 H. R. 21472. An act granting an increase of pension to Wiley H. Jackson;
 H. R. 21481. An act granting an increase of pension to Lucy Cole;
 H. R. 21483. An act granting an increase of pension to George S. Woods;
 H. R. 21496. An act granting an increase of pension to Samuel B. Davis;
 H. R. 21497. An act granting an increase of pension to Mary E. Hobbs;
 H. R. 21499. An act granting an increase of pension to Henry A. Weiland;
 H. R. 21519. An act granting an increase of pension to Montezuma St. John;
 H. R. 21524. An act granting an increase of pension to Ellison Gatewood;
 H. R. 21529. An act granting a pension to Charlotte Game;
 H. R. 21532. An act granting an increase of pension to William Dobson;
 H. R. 21534. An act granting an increase of pension to Henry Reed;
 H. R. 21535. An act granting an increase of pension to William E. Feeley;
 H. R. 21542. An act granting an increase of pension to Erastus A. Thomas;

H. R. 21543. An act granting an increase of pension to Addison Thompson;
 H. R. 21551. An act granting an increase of pension to Alfred E. Lucas;
 H. R. 21564. An act granting an increase of pension to Daniel French;
 H. R. 21575. An act granting an increase of pension to Calvin E. Morley;
 H. R. 21579. An act granting an increase of pension to Sarah R. Harrington;
 H. R. 21598. An act granting a pension to Roy L. Jones;
 H. R. 21603. An act granting an increase of pension to Calvin S. Mullins;
 H. R. 21606. An act granting an increase of pension to Felix G. Morrison;
 H. R. 21612. An act granting an increase of pension to James S. Hart;
 H. R. 21615. An act granting an increase of pension to David Yoder;
 H. R. 21617. An act granting an increase of pension to William Miller;
 H. R. 21624. An act granting an increase of pension to William H. Willey;
 H. R. 21626. An act granting an increase of pension to Calvin Barker;
 H. R. 21630. An act granting an increase of pension to John F. Yeargin;
 H. R. 21634. An act granting an increase of pension to Emma Sickler;
 H. R. 21636. An act granting an increase of pension to Elias Miller;
 H. R. 21643. An act granting an increase of pension to Edward Ford;
 H. R. 21644. An act granting an increase of pension to Sheldon Hess;
 H. R. 21648. An act granting an increase of pension to Michael Gaus;
 H. R. 21651. An act granting an increase of pension to Jacob B. Butts;
 H. R. 21660. An act granting an increase of pension to Emma Fehr;
 H. R. 21667. An act granting an increase of pension to John W. Towle;
 H. R. 21689. An act to increase the limit of cost of five light-house tenders heretofore authorized;
 H. R. 21702. An act granting an increase of pension to John Cyrus Rinehart;
 H. R. 21724. An act granting an increase of pension to John D. Martin;
 H. R. 21761. An act granting an increase of pension to John Tims;
 H. R. 21767. An act granting an increase of pension to George Young;
 H. R. 21793. An act granting an increase of pension to Charles H. Pratt;
 H. R. 21798. An act granting an increase of pension to Andrew Spencer;
 H. R. 21808. An act granting an increase of pension to Levi Mitchell;
 H. R. 21819. An act granting an increase of pension to Joseph Peach;
 H. R. 21828. An act granting an increase of pension to Noah Perrin;
 H. R. 21832. An act granting an increase of pension to John W. Wilkinson;
 H. R. 21836. An act granting an increase of pension to Mary C. Hall;
 H. R. 21837. An act granting an increase of pension to James W. Kasson;
 H. R. 21843. An act granting an increase of pension to Robert H. Delaney;
 H. R. 21848. An act granting an increase of pension to Charles W. Arthur;
 H. R. 21852. An act granting an increase of pension to James M. Eaman;
 H. R. 21856. An act granting an increase of pension to John G. Viall;
 H. R. 21859. An act granting an increase of pension to Simon Stone;
 H. R. 21881. An act granting an increase of pension to Mahala M. Jones;
 H. R. 21882. An act granting an increase of pension to Frank Breazeale;
 H. R. 21886. An act granting an increase of pension to John Bryant;

- H. R. 21887. An act granting an increase of pension to James H. Hayman;
 H. R. 21888. An act granting an increase of pension to Andrew Canova;
 H. R. 21896. An act granting an increase of pension to George H. Field;
 H. R. 21906. An act granting an increase of pension to John M. Bruder;
 H. R. 21909. An act granting an increase of pension to George W. W. Tanner;
 H. R. 21913. An act granting an increase of pension to Henry Pieper;
 H. R. 21915. An act granting an increase of pension to John A. Smith;
 H. R. 21960. An act granting an increase of pension to Sarah Betts;
 H. R. 21961. An act granting an increase of pension to Harvey F. Wood;
 H. R. 21991. An act granting an increase of pension to Redmond Roche;
 H. R. 21997. An act granting an increase of pension to Martha Joyce;
 H. R. 22003. An act granting an increase of pension to Alexander Matchett;
 H. R. 22015. An act granting an increase of pension to William Reese;
 H. R. 22024. An act granting an increase of pension to Eldridge Underwood;
 H. R. 22039. An act granting a pension to Alethia White;
 H. R. 22047. An act granting an increase of pension to George Tinkham;
 H. R. 22048. An act granting an increase of pension to Orrin Freeman;
 H. R. 22052. An act granting an increase of pension to James A. Meredith;
 H. R. 22065. An act granting an increase of pension to Henry Utter;
 H. R. 22067. An act granting an increase of pension to Levi E. Miller;
 H. R. 22069. An act granting an increase of pension to Caroline W. Congdon;
 H. R. 22073. An act granting an increase of pension to Eliza M. Scott;
 H. R. 22085. An act granting an increase of pension to Randolph Wesson;
 H. R. 22088. An act granting an increase of pension to Gottlieb Schweizer;
 H. R. 22090. An act granting an increase of pension to Severt Larson;
 H. R. 22092. An act granting an increase of pension to Simon McAteer;
 H. R. 22094. An act granting an increase of pension to Albert J. Hamre;
 H. R. 22102. An act granting an increase of pension to Borre Peterson;
 H. R. 22103. An act granting an increase of pension to Warren P. Hubbs;
 H. R. 22155. An act granting an increase of pension to Andrew J. Armstrong;
 H. R. 22203. An act granting an increase of pension to Oliver J. Burns;
 H. R. 22207. An act granting an increase of pension to William A. Harlan;
 H. R. 22214. An act granting an increase of pension to Thomas J. Prouty;
 H. R. 22217. An act granting an increase of pension to George W. Boughner;
 H. R. 22237. An act granting an increase of pension to Nathan Lawson;
 H. R. 22238. An act granting an increase of pension to James Stinson;
 H. R. 22241. An act granting an increase of pension to Stephen Robinson;
 H. R. 22243. An act granting an increase of pension to James W. Campbell;
 H. R. 22264. An act granting an increase of pension to Libby Barnhill;
 H. R. 22265. An act granting an increase of pension to Elizabeth Jane Hancher;
 H. R. 22266. An act granting an increase of pension to Delphie Thorne;
 H. R. 22270. An act granting an increase of pension to Michael Hogan;
 H. R. 22272. An act granting an increase of pension to George W. Rodefer;
 H. R. 22280. An act granting an increase of pension to Emily V. Ackley;
 H. R. 22281. An act granting an increase of pension to Leonard Tyler;
 H. R. 22288. An act granting an increase of pension to Samuel L. Davis;
 H. R. 22306. An act granting an increase of pension to Louisa Duncan;
 H. R. 22310. An act granting an increase of pension to Mary A. Kerr;
 H. R. 22376. An act granting an increase of pension to William M. Colby;
 H. R. 22409. An act granting an increase of pension to Margaret A. McAdoo;
 H. R. 22416. An act granting an increase of pension to Barbara E. Schwab;
 H. R. 22420. An act granting an increase of pension to Edward Wesley Ward;
 H. R. 22422. An act granting an increase of pension to William J. Johnson;
 H. R. 22424. An act granting an increase of pension to William Faulkner;
 H. R. 22431. An act granting an increase of pension to Alden Youngman;
 H. R. 22442. An act granting an increase of pension to John Clark;
 H. R. 22444. An act granting an increase of pension to William Oliver Anderson;
 H. R. 22445. An act granting a pension to Adaline T. Fisher;
 H. R. 22447. An act granting an increase of pension to Frank Schadler;
 H. R. 22448. An act granting a pension to F. Medora Johnson;
 H. R. 22451. An act granting an increase of pension to John McCaslin;
 H. R. 22452. An act granting an increase of pension to William A. Narrin;
 H. R. 22500. An act granting an increase of pension to Minor Cleavenger;
 H. R. 22501. An act granting an increase of pension to Austin B. Truman;
 H. R. 22502. An act granting an increase of pension to Orren D. Haskell;
 H. R. 22506. An act granting an increase of pension to James F. Smith;
 H. R. 22528. An act granting an increase of pension to Daniel Fuller;
 H. R. 22551. An act granting an increase of pension to Wilson Siddell;
 H. R. 22566. An act granting an increase of pension to Joseph L. Six;
 H. R. 22568. An act granting an increase of pension to John H. Christman;
 H. R. 22602. An act granting an increase of pension to John H. Passon;
 H. R. 22605. An act granting an increase of pension to John R. Hargrave;
 H. R. 22607. An act granting an increase of pension to John T. Hetherlin;
 H. R. 22624. An act granting an increase of pension to Louisa M. Carothers;
 H. R. 22651. An act granting an increase of pension to Sarah E. Cadmus;
 H. R. 22684. An act granting an increase of pension to William Sherk;
 H. R. 22706. An act granting an increase of pension to William Smoker;
 H. R. 22710. An act granting an increase of pension to Nelson Cornell;
 H. R. 22711. An act granting an increase of pension to Jacob Kures;
 H. R. 22717. An act granting an increase of pension to Mary A. Brick;
 H. R. 22718. An act granting an increase of pension to William Dean;
 H. R. 22734. An act granting an increase of pension to Michael Maier;
 H. R. 22748. An act granting an increase of pension to Willard P. Fisher;
 H. R. 22749. An act granting an increase of pension to Della S. Easton;
 H. R. 22756. An act granting an increase of pension to Levi E. Curtis;
 H. R. 22757. An act granting an increase of pension to Joshua E. Hyatt;

H. R. 22766. An act granting an increase of pension to Soren V. Kalsem;
 H. R. 22771. An act granting an increase of pension to William J. Courter;
 H. R. 22776. An act granting an increase of pension to James E. Converse;
 H. R. 22827. An act granting an increase of pension to Mary Kirk;
 H. R. 22829. An act granting an increase of pension to George Spalding;
 H. R. 22853. An act granting an increase of pension to Burden H. Barrett;
 H. R. 22858. An act granting an increase of pension to John A. Henry;
 H. R. 22881. An act granting an increase of pension to Thomas L. Williams;
 H. R. 22926. An act granting a pension to Louisa Bartlett;
 H. R. 22932. An act granting an increase of pension to Bryn-gel Severson;
 H. R. 22937. An act granting an increase of pension to Edward Murphy;
 H. R. 22941. An act granting an increase of pension to Lucinda Davidson;
 H. R. 22976. An act granting an increase of pension to Milton Stevens;
 H. R. 22993. An act granting an increase of pension to Emily Hibernia Trabue;
 H. R. 22994. An act granting an increase of pension to Lucinda C. Musgrove;
 H. R. 22995. An act granting an increase of pension to Nathaniel Y. Buck;
 H. R. 22997. An act granting an increase of pension to Edmond D. Doud;
 H. R. 23036. An act granting an increase of pension to John C. Mitchell;
 H. R. 23051. An act granting an increase of pension to Volna S. Topping;
 H. R. 23122. An act granting an increase of pension to Melissa D. Whitman;
 H. R. 23133. An act granting an increase of pension to John Cowan;
 H. R. 23166. An act granting an increase of pension to William S. Voris;
 H. R. 23171. An act granting an increase of pension to Harmon Veatch;
 H. R. 23263. An act granting an increase of pension to Michael Downs; and
 H. R. 23307. An act granting an increase of pension to Andrew Casey.

The foregoing House pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of John C. Lane and sundry other citizens of Honolulu and the county and island of Oahu, praying that an appropriation be made for the construction of a dry dock in the harbor of Honolulu; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the Indianapolis Hebrew Congregation, of Indianapolis, Ind., remonstrating against the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. FRYE presented a petition of the New England Water-works Association, praying that increased appropriations be made for the gauging of the streams of the country; which was referred to the Committee on Appropriations.

Mr. GALLINGER presented a memorial of the Everett Choral Society, of Boston, Mass., remonstrating against the passage of the so-called "nonrental of music bill;" which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation to amend and consolidate the acts with respect to copyright; which was referred to the Committee on Patents.

Mr. DANIEL presented a memorial of sundry citizens of Alexandria, Va., and a petition of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Local Council No. 65, Junior Order United American Mechanics, of Newport News, Va., remonstrating against the enactment of legislation establishing

a port of entry for immigrants at that city; which was referred to the Committee on Immigration.

He also presented petitions of Tidewater Council, No. 30, of Norfolk; of Hallwood Council, No. 150, of Hallwood; of Valley Forge Council, No. 145, of Newport News, and of George Washington Council, No. 88, of Oak Grove, all of the Junior Order of United American Mechanics, in the State of Virginia, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BURKETT presented a petition of the Omaha Grain Exchange and of the Omaha Commercial Club of Nebraska, praying that an appropriation be made for the improvement of the navigation of the Mississippi River; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Grand Island, Nebr., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Lincoln, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of the librarian of the city library of Lincoln, Nebr., and the memorial of Stephen L. Geisthardt, of Lincoln, Nebr., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented a petition of the congregation of the Reformed Presbyterian Church of Beulah, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Angelica, Sloansville, and Carmel, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also (for Mr. PLATT) presented a petition of the Dark Tobacco Planters' Protective Association of Tennessee, Kentucky, and Virginia, praying for the enactment of legislation to repeal the internal-revenue tax on leaf tobacco; which was referred to the Committee on Finance.

Mr. CLAPP (for Mr. GAMBLE) presented a memorial of sundry citizens of Bowdle, S. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. WARREN presented sundry papers to accompany the bill (S. 7576) for the relief of F. W. Beardslee; which were referred to the Committee on Claims.

Mr. HOPKINS presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to revise the public-land laws of the United States; which was referred to the Committee on Public Lands.

He also presented the petition of Minnie Mae Blackburn, widow of John R. Blackburn, of the State of Illinois, and the petition of Harry J. O'Brien, of the State of Illinois, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which were referred to the Committee on Claims.

Mr. BULKELEY presented a memorial of George E. Tingley, of Mystic, Conn., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

He also presented a petition of the Business Men's Association of Danbury, Conn., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented a petition of the Woman's Christian Temperance Union of Browns Valley, Minn., and a petition of sundry citizens of Litchfield, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. KEAN (for Mr. DRYDEN) presented a petition of sundry colored citizens of Trenton, N. J., praying for an investigation

into the dismissals of three companies of the Twenty-fifth Infantry; which was ordered to lie on the table.

He also (for Mr. DRYDEN) presented petitions of sundry citizens of Newark, East Orange, Plainfield, Summit, and Chester, all in the State of New Jersey, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also (for Mr. DRYDEN) presented petitions of sundry manufacturers of Avondale, Orange, Newark, and Jersey City, all in the State of New Jersey, and of New York City, N. Y., praying that an appropriation be made for the construction of a waterway from the Lakes to the Gulf of Mexico; which were referred to the Committee on Commerce.

He also (for Mr. DRYDEN) presented a petition of the Woman's Club of Glen Ridge, N. J., praying for the enactment of legislation to prohibit the employment of children in factories and mines; which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of the Business Men's Association of Danbury, Conn., praying that an appropriation be made providing for an increase in the salaries of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of George E. Tingley, of Mystic, Conn., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 15769) granting an increase of pension to William W. Bennett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1026) granting an increase of pension to Thomas M. Wilcox;

A bill (H. R. 18677) granting a pension to Martin Alphons Luther;

A bill (H. R. 21578) granting an increase of pension to Andrew J. Gaskey;

A bill (H. R. 13887) granting an increase of pension to Joseph T. Eagler;

A bill (H. R. 10804) granting an increase of pension to John H. Worley;

A bill (H. R. 10958) granting an increase of pension to Levi Dodson;

A bill (H. R. 8563) granting an increase of pension to William H. Hays;

A bill (H. R. 10751) granting an increase of pension to George W. Harris;

A bill (H. R. 20617) granting an increase of pension to Isaac N. S. Will;

A bill (H. R. 10531) granting an increase of pension to William G. Binkley;

A bill (H. R. 19970) granting an increase of pension to Eugene Demers;

A bill (H. R. 10755) granting an increase of pension to Anna Flynn;

A bill (H. R. 20714) granting an increase of pension to Robert Turley;

A bill (H. R. 20559) granting an increase of pension to John Bradley;

A bill (H. R. 7488) granting an increase of pension to Jacob L. Hatton;

A bill (H. R. 15004) granting an increase of pension to William J. McAtee;

A bill (H. R. 7476) granting an increase of pension to George C. Dean;

A bill (H. R. 8789) granting an increase of pension to Levi Chapman;

A bill (H. R. 6911) granting an increase of pension to William J. Turner;

A bill (H. R. 3355) granting an increase of pension to James L. Allen;

A bill (H. R. 19390) granting an increase of pension to William R. Sears; and

A bill (H. R. 19725) granting an increase of pension to Howard Bennett.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (H. R. 15763) granting an increase of pension to Gainford N. Upton, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were

referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20623) granting an increase of pension to James B. O. Horbach;

A bill (H. R. 2422) granting an increase of pension to Earl K. Childs;

A bill (H. R. 3297) granting an increase of pension to Thomas Lonergan;

A bill (H. R. 3195) granting an increase of pension to Milton S. Collins;

A bill (H. R. 3228) granting an increase of pension to Michael Doyle;

A bill (H. R. 10364) granting an increase of pension to John P. Patterson;

A bill (H. R. 2290) granting an increase of pension to Peter Reedy;

A bill (H. R. 2761) granting an increase of pension to Michael Mahoney;

A bill (H. R. 2822) granting an increase of pension to Levi Gates;

A bill (H. R. 2909) granting an increase of pension to Jacob T. Wise;

A bill (H. R. 3194) granting an increase of pension to Samuel Harvey;

A bill (H. R. 3234) granting an increase of pension to Rush Deskins;

A bill (H. R. 3733) granting an increase of pension to Simeon D. Chelf;

A bill (H. R. 3980) granting a pension to Frank G. Hammond;

A bill (H. R. 3494) granting an increase of pension to Albert A. Talham;

A bill (H. R. 3496) granting an increase of pension to Edward Walton;

A bill (H. R. 15471) granting an increase of pension to Eli Stover;

A bill (H. R. 13455) granting an increase of pension to Josiah P. Higgins;

A bill (H. R. 20968) granting an increase of pension to Waitman T. Mathers;

A bill (H. R. 20891) granting an increase of pension to Hugh Blair; and

A bill (H. R. 14543) granting an increase of pension to Charles Barnell, alias Richard North.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 522) granting an increase of pension to Frederick Roschdiantzky;

A bill (H. R. 562) granting an increase of pension to John F. Mohn;

A bill (H. R. 600) granting an increase of pension to Oliver N. McLain;

A bill (H. R. 747) granting an increase of pension to Robert Smith;

A bill (H. R. 1060) granting an increase of pension to Margaret E. Lounsbury;

A bill (H. R. 1067) granting an increase of pension to Jacob Bender;

A bill (H. R. 1068) granting an increase of pension to William S. Quigley;

A bill (H. R. 1673) granting an increase of pension to Jennie E. Edson;

A bill (H. R. 1687) granting an increase of pension to James C. Daly;

A bill (H. R. 1706) granting an increase of pension to George H. Washburn;

A bill (H. R. 1709) granting an increase of pension to Brice P. Munns;

A bill (H. R. 1800) granting a pension to Eliza J. Ingle;

A bill (H. R. 1891) granting an increase of pension to Simeon York;

A bill (H. R. 1904) granting an increase of pension to Nelson R. Satterlee;

A bill (H. R. 1938) granting an increase of pension to Thomas B. Foutty;

A bill (H. R. 1169) granting an increase of pension to Oliver P. Pierce;

A bill (H. R. 1249) granting a pension to William R. Fulk;

A bill (H. R. 1372) granting a pension to Josephine I. Richmond;

A bill (H. R. 1500) granting a pension to Emily J. Sherman;

A bill (H. R. 10789) granting a pension to David Wilborn; and

A bill (H. R. 18454) granting an increase of pension to Barlow Davis.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 1569) for the relief of the estate of W. W. Jackson, deceased, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16944) to amend section 878 of the Code of Law for the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 7028) for the relief of the Allis-Chalmers Company, of Milwaukee, Wis., reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19482) granting an increase of pension to Sarah E. Cannell;

A bill (H. R. 14298) granting an increase of pension to John Remick;

A bill (H. R. 4386) granting an increase of pension to Zelinda E. Odenbaugh;

A bill (H. R. 4648) granting an increase of pension to Sarah A. Dedrick;

A bill (H. R. 4656) granting an increase of pension to Thomas Snell;

A bill (H. R. 4663) granting an increase of pension to Horace B. Tanner;

A bill (H. R. 4705) granting a pension to Harriet E. Palmer;

A bill (H. R. 4834) granting an increase of pension to Silas V. White;

A bill (H. R. 19296) granting an increase of pension to Assov Harelson;

A bill (H. R. 18742) granting an increase of pension to Martin V. Barney;

A bill (H. R. 13241) granting an increase of pension to Francis Haner; and

A bill (H. R. 12911) granting an increase of pension to Ambrose S. Delaware.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 15335) for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington, reported it without amendment, and submitted a report thereon.

FISH-CULTURAL STATION IN MAINE.

Mr. HOPKINS. By direction of the Committee on Fisheries, I report back favorably, without amendment, the bill (S. 7675) to establish a fish-cultural station on the Kennebec River, in the State of Maine. I desire to call the attention of the senior Senator from Maine [Mr. FRYE] to the bill.

Mr. FRYE. Mr. President, the Senate will personally oblige me if they will permit present consideration of this little bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Maine, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point at or near Gardiner, on the Kennebec River, to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 7758) granting an increase of pension to Osman Warren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 7759) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of California; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOPKINS introduced a bill (S. 7760) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. PILES introduced a bill (S. 7762) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the

State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KITTREDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7763) granting an increase of pension to Jacob S. Hawkins; and

A bill (S. 7764) granting an increase of pension to Davis Gilborne.

Mr. McCREARY introduced a bill (S. 7765) for the relief of Louisa Jackman and the legal representatives of Mrs. Martha Vaughn, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7766) granting a pension to William H. Denham; and

A bill (S. 7767) granting a pension to William G. Mandeville (with accompanying papers).

Mr. GEARIN introduced a bill (S. 7768) granting an increase of pension to Alonzo P. Mann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 7769) to provide for the erection of a public building in the city of Lagrange, Ga.;

A bill (S. 7770) to provide for a public building in the city of Cedartown, Ga.; and

A bill (S. 7771) to provide for the erection of a public building in the city of Cartersville, Ga.

Mr. DU PONT introduced a bill (S. 7772) granting a pension to Ellen Dougherty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 7773) for the relief of George M. Stackhouse; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 7774) for the relief of the heirs of Denis O'Callaghan, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BRANDEGEE introduced a bill (S. 7775) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher; which was read twice by its title, and referred to the Committee on Claims.

Mr. FLINT introduced a bill (S. 7776) to provide for protecting the interests of the United States on the lower Colorado River, for the establishment of the Imperial Valley and the Colorado River irrigation projects, and for other purposes; which was read twice by its title, and referred to the Committee on Irrigation.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. DUBOIS submitted an amendment, proposing to appropriate \$1,500,000 in payment of the Indians residing on the Colville Reservation for the cession by these Indians to the United States of certain land open to settlement by act of Congress, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment granting certain land to the town of Pawnee, in Pawnee County, Okla., for park, educational, and other public purposes, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

NATIONAL, STATE, AND LOCAL COMMERCIAL ORGANIZATIONS.

On motion of Mr. GALLINGER, it was

Ordered, That the original manuscript copy of Senate Document No. 74, Fifty-ninth Congress, second session, "National, State, and Local Commercial Organizations, etc.," be taken from the files of the Senate and returned to the Interstate Commerce Commission.

SHORTAGE OF CARS.

Mr. CULBERSON. Mr. President, several weeks ago I presented a memorial from the Cattle Raisers' Association of Texas in reference to the shortage of cars, and had it printed in the RECORD, and I called the especial attention of the chairman of the Committee on Interstate Commerce to the matter. So far as I know, that committee has taken no action in reference to the subject. I therefore introduce a bill, which I send to the desk, and I ask that it be printed in the RECORD and referred to that committee.

The bill (S. 7761) to require railroad companies engaged in

interstate commerce to promptly furnish transportation for the shipment of live stock, and for other purposes, was read the first time by its title.

Mr. ALDRICH. I should like to hear the bill read.

The VICE-PRESIDENT. At the request of the Senator from Rhode Island, the Secretary will read the bill.

The bill was read the second time at length, as follows:

Be it enacted, etc., That it is hereby declared to be the duty of every railroad company subject to the provisions of the act to regulate commerce, approved February 4, 1887, the acts amendatory thereof and supplemental thereto, and the act approved June 29, 1906, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and to increase the powers of the Interstate Commerce Commission," upon reasonable request made therefor by any shipper, to furnish transportation as that term is defined in said act of June 29, 1906, for live stock offered to it for shipment as interstate or foreign commerce, within reasonable time after demand therefor, made by any person desiring such transportation, and to supply within reasonable time, at its station or stations from which such shipper gives notice that he desires to so ship such live stock, at the date designated by the shipper where that is within a reasonable time, suitable cars in which to load the same for shipment to such destination and to deliver such loaded car or cars to its connecting line for the purpose of being transported to its destination or for the delivery to a connecting carrier over whose lines the same is to be shipped to the point of destination; and it shall likewise be the duty of each connecting line of railroad to receive such loaded car or cars, to transport and deliver the same to its connecting line or to the destination of such live stock, in the car or cars in which the same may be received: *Provided*, That where live stock is unloaded at the shipper's request, or for feeding or watering, or in order to comply with the requirements of any law or regulation provided for by law applicable to such shipment, or on account of accidental or unavoidable cause, other suitable cars may be supplied if done without unreasonable delay on that account.

Whenever the consignor, consignee, shipper, or representative of either shall make application in writing to the station agent at the place of shipment, or in his absence, to any other station agent on the division of railroad from which such shipment is made or to any general freight agent or his assistant of such railroad, for such car or cars to be furnished for such shipment, stating the time and place from which it is intended to make such shipment, the kind of live stock, the number of cars required, and the destination or destinations thereof, a reasonable length of time before the date on which such cars are requested to be furnished; and if such railroad company shall fail or refuse to furnish such car or cars at the time and place named in such application or within a reasonable time thereafter if prevented by unavoidable cause from furnishing the same on the day named in such application and the shipper shall demand such cars to be furnished at a later date, such railroad company shall be liable to such shipper or to the owner of such live stock, and such owner or shipper shall be entitled to double the damages which he shall have sustained by such failure of duty on the part of such railroad company, and an amount equivalent to reasonable attorney's fees, to be recovered in any court of any State or Territory or the District of Columbia having jurisdiction of the parties, subject-matter, and the amount in controversy, or in any circuit court of the United States, regardless of the amount in controversy, or if such injured party shall elect to do so he shall have the right to proceed before the Interstate Commerce Commission in the manner provided by the act to regulate commerce for an order for damages arising from violation of said act. And if such delay, failure, or refusal to furnish such car or cars is willful or the result of gross negligence on the part of such railroad company or the agent thereof having charge of the matter of furnishing or directing the furnishing of cars in such cases, such railroad company shall also forfeit to the United States not less than \$25 nor more than \$100 for each car that it willfully or by gross negligence fails or refuses to so furnish for such shipment, to be recovered in any of the circuit courts of the United States for the district in which such failure occurs; and suit to recover the same shall be brought by the district attorney of any such district under the direction of the Attorney-General of the United States or at the request of the Interstate Commerce Commission.

Wherever ten full days or more is named in such written application of the shipper after which such cars are to be furnished it shall be deemed a reasonable time, but this shall not be construed as excusing such railroad from the duty of furnishing such cars in a less time than ten days when a less time is reasonable and the shipper makes application for such cars to be furnished in a less time: *Provided*, That whenever any railroad company is prevented from complying with such demand to furnish cars, as aforesaid, by any accidental or unavoidable cause which could not, by the use of reasonable foresight and diligence, have been avoided, and supplies the same in a reasonable time thereafter or offers to do so, then the liability for the penalty herein provided for and to double the damages shall not accrue; but nothing in this act shall in any wise affect the right or remedy of any shipper or other person as the same may exist at common law or under any statute to recover on account of failure, delay, or refusal to furnish cars for transportation of such live stock, nor to exempt in any wise any such railroad company from any of the provisions of the said act to regulate commerce and acts amendatory thereof or supplemental thereto. If by any rule, regulation, or custom of such railroad company the advance payment of the freight shall be required, notice thereof shall be given to such shipper at the time of ordering such cars, otherwise it shall be no excuse for not furnishing cars for such shipment that the freight was not paid or tendered. Where such rule or regulation or requirement exists, it shall be sufficient to make the payment at the time of delivery of such live stock to the railroad company for shipment. Every shipper or owner of live stock or any other person ordering cars under the provisions of this act who shall fail, when the same are furnished at the time and place ordered, to use them shall be liable to pay to such railroad company \$25 per day for each day such railroad company may have been thereby deprived of the use of each car: *Provided*, That if so prevented from using such car or cars by any unavoidable accident or cause beyond the shipper's control such liability shall not apply.

Sec. 2. That it shall be the duty of every railroad company to exchange loaded and empty stock cars used in such traffic with every other railroad forming a part of any route or with which it has joint rates for such live-stock shipments, and for each of such railroad companies to furnish to its said connecting lines as many empty cars suitable for carrying live stock as may be delivered to it loaded by such connecting carrier for the purpose of transportation over its line or to

any point on its line, and to make such delivery of empty cars upon the demand of such connecting carrier within a reasonable time, to be fixed by rules and regulations of the Interstate Commerce Commission.

The Interstate Commerce Commission is hereby authorized and empowered to make and establish all needful rules and regulations, general and special, applicable to the peculiar circumstances and conditions and to different railroads and localities and for different kinds and classes of live stock, for furnishing cars to shippers, the furnishing and the exchange and interchange of live-stock cars, loaded and empty, by such railroad companies as between each other, in order to facilitate the movement, careful, prompt, and safe handling of, and to prevent injury to, live stock in shipment, prescribing in such rules and regulations the time and manner of the furnishing and interchange of such cars, loaded and empty, and the time, place, terms, and conditions upon which such interchange shall be made and the reasonable compensation to be paid for the use of such cars or for injury or loss or destruction thereof and the length of time which it may deem reasonable in which to comply with a notice on the part of any one of said carriers to furnish in exchange such empty for loaded cars or for return of stock cars. The failure or refusal on the part of any railroad company, after reasonable demand therefor, to furnish to its connecting line within the time so specified by and in accordance with the rules and regulations of the Interstate Commerce Commission empty cars in lieu of loaded stock cars delivered to it by the railroad company making such demand, or the failure of any railroad company to return to any other railroad company the stock cars belonging to the company making such demand or to which it is lawfully entitled, by lease or otherwise, shall render such defaulting railroad company liable to pay to the railroad making such demand \$25 per day for each day's delay in furnishing or returning each car, to be recovered by suit in the circuit court of the United States in any district in which such delay or refusal shall have occurred: *Provided*, That no railroad company shall be required to permit its cars to go off its own line and onto the line of any railroad company with which it has no joint or through rate or with which it forms no part of a through route, except where it may be required to do so by the order, rule, or regulation of the Interstate Commerce Commission.

Mr. HANSBROUGH. I desire to call the attention of the members of the Committee on Interstate Commerce to the very great necessity, if they propose to consider this bill, of extending it to shipments of grain. As I heard the bill read, I think it pertains only to the shipment of live stock. I think the necessity of a law of this kind relative to the shipment of grain is much greater than it is with respect to live stock.

The VICE-PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

Mr. CULBERSON. In the same connection, I ask to have printed in the Record and referred to the committee a publication in the Dallas (Tex.) Times-Herald, December 9, on "The real cause of car famines," and another on "Reciprocal demurrage," to which I especially invite not only the attention of the chairman of the Committee on Interstate Commerce, but of the entire committee.

There being no objection, the paper was referred to the Committee on Interstate Commerce, and ordered to be printed in the Record, as follows:

SHIPPER WANT DEMURRAGE TOO—NATIONAL ORGANIZATION NOW PROPOSES A NEW PLAN FOR RAILROADS—WOULD STOP DELAYS—J. FARLEY, MANAGER OF THE DALLAS FREIGHT BUREAU, QUOTES FROM AMERICAN SHIPPERS' BULLETIN.

DALLAS, TEX., December 8, 1906.

To the Times-Herald:

I hand you an article from the monthly bulletin for October of the American Shippers' Association, with headquarters in Chicago (of the executive committee of which I have the honor to be a member), on "The real cause of car famine," and another on "Reciprocal demurrage," which please print. This is the greatest association of freight on earth, and the whole country is taking much interest in these two subjects. It is clear there is the worst kind of bad management in the movement of freight cars. If freight cars were required by law to be furnished in two days when asked for by shippers, and then to be moved in two days, and roads were required after to move them 50 miles per day, and proper demurrage given to shippers for each day over this time, and they were allowed to deduct it from expense bills, car famines and delays in getting freight to shippers would cease. Take an instance: It is 681 miles from St. Louis to Dallas. Suppose a concern in St. Louis asked for a car for Dallas and the roads allowed two days to place it, two more to start it, and it must not be more than fourteen days in getting to Dallas, the shipper to have demurrage after eighteen days. The only trouble is the amount of demurrage the shipper should have. It should be much greater than allowed railroads, as delay on his goods may ruin him or cause him great loss of trade or price. The commercial bodies of the whole country seem coming to a concrete conclusion that reciprocal demurrage is the only remedy for delays in freight and car famines.

J. FARLEY,
Manager Dallas Freight Bureau.

The article from the American Shippers' Association bulletin, referred to by Mr. Farley, is as follows:

THE REAL CAUSE OF CAR FAMINES.

"There is something wrong in the operating systems of the railroads on freight business. Car famines occur because the roads are so incredibly slow in handling their cars.

"The average freight car only 'works' during the year the equivalent of one hour in twenty-four. It spends the equivalent of twenty-three hours out of twenty-four in loafing or sleeping somewhere on siding or in yards. If the average car could only be made to 'work' two hours a day, or even an hour and a half, there would be no car famine the coming winter.

"The average car only 'works' carrying freight 15.95 miles per day, and the total distance traveled, with freight or empty, only figures 23.24 miles per day.

"(The statistical report of the Interstate Commerce Commission for the fiscal year ending June 30, 1904, shows that the railroads had in service 1,692,194 freight cars, not including cars used by the roads for

construction, etc. The total distance covered by local cars was 9,849,576,535 car miles; by empty cars, chiefly coal cars, 4,501,804,975 car miles; total, 14,351,381,510 car miles. Dividing the car mileage by the number of cars and by the number of days in the year, gives the daily averages above mentioned.)

NO SHORTAGE OF MOTIVE POWER.

"When the country suffers from a combination of car shortage and terminal congestion, which always come together, the railroads make the excuse that they do not have enough motive power to move the business and that the locomotive shops can not fill their orders fast enough. Official records of the Interstate Commerce Commission do not bear out this claim.

"The last full statistical report of the Commission (for 1904) shows that the roads had in service 27,029 freight locomotives, not including 7,610 switch engines. There were 1,692,194 freight cars in service, so that the roads had an average of 1 freight locomotive to 62 freight cars, not including switch engines. The roads evidently have almost enough motive power to keep in constant motion all the freight cars in the country; yet it appears that the freight cars averaged only 23.24 miles per day.

"Freight locomotives actually work only 54 miles per day hauling trains, equal to about three hours of good schedule runs. The locomotive is almost as inefficient as the car, 'working' three hours out of the twenty-four and loading or sleeping twenty-one hours. The average man engaged in business or working in a factory must put in ten hours a day, and there is no reason why freight cars and locomotives should spend so much time loading.

SHIPPERS NOT AT FAULT.

"Of course, the railroad man will blame it all on the shipper by claiming that the time is lost while cars are in the hands of the shipper for loading or unloading. But demurrage charges are universally enforced against shippers, so that the excuse will not hold. The average car only makes one or two trips a month, and it is in the hands of the shipper only a small portion of the total time.

"Figures have been compiled by shippers which apparently show that after a car is turned over to the road it only makes an average of 60 miles per day to destination, although nominal schedules of the railroads call for 15 to 20 miles per hour. There is something wrong.

"The freight car only earns for the road an average of \$2.23 per day, but it only works one hour a day. The railroad loses money by car shortages and famines. Delays in shipment obstruct trade and make the volume of business less for both carrier and shipper. The roads can promote a greater volume of business if they will give better service. Business don't always wait for a railroad to get around. Millions of dollars of orders for merchandise are canceled in every car famine, or the goods lie unsold on the merchant's shelf until another season because they were received too late.

RAILROADS HAVE A "SOFT SNAP."

"A manufacturer who only operates his equipment for one hour or three hours a day would soon go into bankruptcy. In the case of a railroad it simply charges higher rates to make up for its own lack of efficiency in management.

"If the shippers of the United States would say something on this question every time they talk or write to a railroad man, they would get results. Your customers are not backward in saying things to you when you get shiftless. When there is something wrong in your business, you generally straighten it out if you hear about it often enough.

"Cooperation on the part of the shippers of the United States will correct every abuse of transportation. Here is a good opportunity to try it.

RECIPROCAL DEMURRAGE.

"Many of the shippers of the country are coming to the conclusion that the railroad should be held responsible for failure to furnish cars when they are wanted. In Illinois a large number of the leading shippers have become interested in a movement to ask the legislature for a law similar to the reciprocal demurrage law of some of the other States.

"Reciprocal demurrage would seldom compensate the shipper for loss incurred by failure to obtain cars, because a firm may lose a great deal by one day's delay on one car. Many shippers believe, however, that a reasonable law to fix responsibility on the carrier would act as a decided check upon any carelessness of the road in allowing empty cars to bank up in one place when they are needed elsewhere to move business.

"The railroad is a common carrier, holding a charter of great value from the State, and favored by a multitude of special laws which have been enacted to make the business of railroads profitable. Railroad companies control the commercial highways of the country, and they should be required to perform the service which they monopolize.

"A railway can always obtain new capital for the asking from the investors of the country, and if it does not provide itself with sufficient equipment to take care of the business offered by shippers, it should suffer a penalty a great deal more severe than paying a little demurrage to the suffering shipper. No railroad company is likely to lose materially in its earnings from paying demurrage. It would not be in any sense a penalty, but would act merely as a check on inefficient management.

"It is especially important to the small shippers of the country. The large shipper has a leverage to use on the roads which is generally effective in protecting his interests, especially since the laws forbid paying rebates or making money concessions of any kind to the big shipper. The small firm has usually suffered first in a car shortage, and there is likely to be a great deal more of this in the future. If a shipper could prove that a railroad had willfully discriminated against him, there is no doubt that he could collect heavy damages, but the railroad can offer so many excuses that it is practically impossible for a judge or jury to unravel a case of this kind. A reciprocal demurrage law seems to be the simplest way to protect the small shipper, as it would go much farther than merely to give him small demurrage compensation.

"The record of demurrage claims would show conclusively whether one shipper has been discriminated against in favor of other shippers in the allotment of cars. Figures that have been quoted in this bulletin show that there is no lack of equipment to handle all the business that may be offered to the railroads, and every measure that will promote greater efficiency is in the right direction."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTI, one of his secretaries, announced that the Presi-

dent had on the 9th instant approved and signed the following acts:

On January 9:

S. 55. An act for the widening of Bladensburg road, and for other purposes;

S. 64. An act for the extension of Seventh street and Franklin street NE., and for other purposes;

S. 68. An act for the widening of a section of Columbia road east of Sixteenth street;

S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;

S. 2098. An act authorizing the extension of Second street NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street;

S. 2260. An act authorizing the extension of Meridian place NW.;

S. 5246. An act to provide for the extension of Genesee place and Summit place, District of Columbia; and

S. 5565. An act to close certain alleys in the District of Columbia.

HOUSE BILL REFERRED.

H. R. 21689. An act to increase the limit of cost of five light-house tenders heretofore authorized was read twice by its title, and referred to the Committee on Commerce.

IMPERIAL VALLEY OR SALTON SINK REGION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

The governor of the State of California and individuals and communities in southern California have made urgent appeals to me to take steps to save the lands and settlements in the sink or depression known as the "Imperial Valley" or "Salton Sink" region from threatened destruction by the overflow of Colorado River. The situation appears so serious and urgent that I now refer the matter to the Congress for its consideration, together with my recommendations upon the subject.

Briefly stated the conditions are these: The Imperial Valley, so called, in San Diego County, Cal., includes a large tract of country below sea level. Southeast of the valley and considerably above its level is the Colorado River, which flows on a broad, slightly elevated plane upon which the river pursues a tortuous course, finally entering the Gulf of California. The lands in Imperial Valley are 200 feet or more below the level of Colorado River. Down as far as the international border they are protected from inundation by low-lying hills. South of the boundary, in the Republic of Mexico, the hills cease abruptly and only the broad low mud banks of the river protect the valley from being converted into an inland sea or lake. In order to get any water to this vast tract of fertile but desert land, or, on the other hand, to protect it from too much water, works of supply or of protection must be built in Mexico, even though they may tap the river in the United States. The United States can neither aid nor protect the interests of its citizens without going upon foreign soil.

Nature has through many centuries protected this great depression from overflow, but the restless river, constantly shifting, has annually threatened to break through the banks. Only a little human aid was needed to cause it to do so.

This condition has been long known, and through many years schemes have been discussed either to convert the Salton Sink area into a lake or to irrigate the desert lands below sea level by making a cut in Mexico through the west bank of the Colorado River. It was also well understood that if the cut in the bank was not carefully guarded the river would quickly get beyond control. Finally, after many plans had been tentatively tried, the California Development Company, a New Jersey corporation, actively undertook the work. To insure the safety of Imperial Valley the head of the canal on the river was first placed on United States territory near where the river was bounded by hills. The canal then swung southwest and west away from the river through Mexican territory to connect with natural depressions leading to the valley and back into the United States. The organizers of this company, in order to carry on the work in Mexico, caused to be created a subsidiary company in Mexico acting under Mexican laws. Concessions were granted to this company by the Mexican Government and provision was made by the employment of a Mexican engineer to be designated by that Government in order to see that the work was properly carried out. The dangerous character of the attempt was thus recognized in this concession.

The California Development Company began its work by making representations to possible settlers of the great benefits to be derived by them by taking up this land. A large amount of money which might have been used in needed works was expended in advertising and in promoting the enterprise. The claims were not only extravagant, but in many cases it appears that willful misrepresentation was made. Many of the operations of this company and of its subsidiary organizations tended to mislead uninformed settlers. At first the success of the company was great, and it disposed of water rights to settlers at prices sufficiently large to obtain a fair revenue, either in cash or in securities of value.

The money thus obtained from settlers was not used in permanent development, but apparently disappeared, either in profits to the principal promoters or in the numerous subsidiary companies, which to a certain extent fed upon the parent company, or served to obscure its operations—such as a construction company, a company to promote settlement, and a company to handle the securities of the various other corporations. The history of these deals is so complicated that it would require careful research, extending through many months, to unravel the devious ways by which money and valuable securities have disappeared. In brief, it is sufficient to state that the valuable considerations which were received for water rights were obviously not used in providing necessary and permanent works for furnishing water to the settlers.

The whole enterprise and the spirit of those promoting it, as well as

of the numerous smaller speculators attracted to the subsidiary organizations, were of the most visionary character. Actual investments made have been small in proportion to estimates of wealth which appeared to be possible of realization.

The company entered upon its construction work with large plans but with inadequate capital. All of its structures for the control and distribution of water were temporary in character, being built of wood and of the smallest possible dimensions. Through the efforts thus made a large amount of land was brought under cultivation, and at one time it was reported that over 100,000 acres were being more or less irrigated.

The first heading of the canal of the California Development Company was in the United States immediately north of the Mexican border. It was found, however, after a time that the heading on the United States side of the line did not give a grade to furnish sufficient flow of water, and after headings had been opened at other points without successful results, a cut in the river bank was made 4 miles farther south, in Mexican territory. This gave the water a shorter and steeper course toward the valley. The making of this cut in a bank composed of light alluvial soil above a depression such as this, without controlling devices, was criminal negligence. This short cut on Mexican soil was made in the fall of 1904. It was gradually eroded by the passage of the water, and in the spring of 1905 the floods of the Colorado River, entering the artificial cut, rapidly widened and deepened it until the entire flow of the river was turned westerly down the relatively steep slope in the Imperial Valley and thence into what is known as "Salton Sink" or "Salton Sea."

After the mischief became apparent strenuous efforts were made by the California Development Company to close the break, but these were without success. Finally the Southern Pacific Company, finding its tracks imperiled and traffic seriously interfered with, advanced money to the California Development Company, received as security a majority of the shares of the company, and thus took charge of the situation.

By means of the facilities available to the Southern Pacific Company the break in the west bank of the Colorado River was closed on November 4, 1906. A month later, however, a sudden rise in the river undermined the poorly constructed levees immediately south of the former break, and the water again resumed its course into the Salton Sea.

The results have been highly alarming, as it appears that if the water is not checked it will cut a very deep channel which, progressing upstream in a series of cataracts, will result in conditions such that the water can not be diverted by gravity into the canals already built in the Imperial Valley. If the break is not closed before the coming spring flood of 1907, it appears highly probable that all of the property values created in this valley will be wiped out, including farms and towns, as well as the revenues derived by the Southern Pacific Company. Ultimately the channel will be deepened in the main stream itself up to and beyond the town of Yuma, destroying the homes and farms there, the great railroad bridge, and the Government works at Laguna Dam above Yuma.

It is difficult to estimate how many people have settled in the valley, the figures varying from 6,000 persons up to as high as 10,000. It is also difficult to ascertain how much money has been actually spent in real improvements. Town lots have been laid off, sold at auction, and several hundred buildings erected in the various small settlements scattered throughout the tract. The greater part of the public land has been taken up under the homestead or desert entry laws, and sufficient work has been done to secure title. Some crops have been raised and under favorable conditions the output in the near future will be large.

The actual amount of tangible wealth or securities possessed by the settlers to-day upon which money can be raised is believed to be very small. Nearly all individual property has been expended in securing water rights from the California Development Company, or from the other organizations handling the water supply and controlled by this company. It is evident that the people have slender resources to fall back upon and, in view of the threatened calamity, are practically helpless. The California Development Company is also unable to meet the exigency. The obligations assumed by the sale of water rights are so great that the property of the company is not adequate to meet these obligations. In other words, a gift of the visible property of this company and of its rights would not be a sufficient offset to the assumption of its liabilities. Nevertheless, the people in their desperation were reported as trying to issue and sell bonds secured by their property in order to give to the California Development Company a million dollars to assist in repairing the break.

The complications which have arisen from the transfer of the property and the involved relations of the California Development Company with its numerous subsidiary companies are such that the United States would not be justified in having any dealings with this company until the complications are removed and the Government has a full understanding of every phase of the situation.

It has been stated above that the California Development Company has not the financial strength to repair the break and to restore the bank of the Colorado River to such permanent condition that a similar occurrence can not happen. It is further understood that the Southern Pacific Company, having expended \$2,000,000 or more for the protection of its interests, declines to furnish more money to the California Development Company to save the Imperial Valley, beyond controlling the present break in the river bank. The owners of the property in Imperial Valley, both farmers and townspeople, together with the Southern Pacific Company and the California Development Company, have combined to call upon the Government for a contribution to assist the California Development Company to the extent of erecting permanent works to insure protection for the future.

If the river is not put back and permanently maintained in its natural bed the progressive back cutting in the course of one or two years will extend upstream to Yuma, as before stated, and finally to the Laguna Dam, now being built by the Government, thus wiping out millions of dollars of property belonging to the Government and to citizens. Continuing further, it will deprive all the valley lands along the Colorado River of the possibility of obtaining necessary supply of water by gravity canals.

The great Yuma bridge will go out and approximately 700,000 acres of land as fertile as the Nile Valley will be left in a desert condition. What this means may be understood when we remember that the entire producing area of southern California is about 250,000 acres. A most conservative estimate after full development must place the gross product from this land at not less than \$100 per acre per year, every 10 acres of which will support a family when under intense cultivation. If the break in the Colorado is not permanently controlled the

financial loss to the United States will be great. The entire irrigable area which will be either submerged or deprived of water in the Imperial Valley and along the Colorado River is capable of adding to the permanent population of Arizona and California at least 350,000 people and probably 500,000. Much of the land will be worth from \$500 to \$1,500 per acre to individual owners, or a total of from \$350,000,000 to \$700,000,000.

The point to be especially emphasized is that prompt action must be taken, if any; otherwise the conditions may become so extreme as to be impracticable of remedy. The history of past attempts to close the break in the river bank has shown that each time, through delay, the work has cost double or treble what it would have cost had prompt action been taken. It is probable now that with an expenditure of \$2,000,000 the river can be restored to its former channel and held there indefinitely, but if this action is not taken immediately, several times this sum may be required to restore it, and possibly it can not be restored unless enormous sums are expended.

At the present moment there appears to be only one agency equal to the task of controlling the river—namely, the Southern Pacific Company, with its transportation facilities, its equipment, and control of the California Development Company and subsidiary companies. The need of railroad facilities and equipment and the international complications are such that the officers of the United States, even with unlimited funds, could not carry on the work with the celerity required. It is only the fact that the officers of the Southern Pacific Company, acting also as officers of the California Development Company, have been able to apply all its resources for transportation, motive power, and the operation of the road that has made it possible to control the situation to the extent which they have already done. The Southern Pacific Company is now reported to be working strenuously to fill the break through which the Colorado River is flowing westward to the Salton Sea, and in repairing and building levees to keep out the high water due next March. This work will be more or less of a temporary character. Further construction is necessary, and all temporary works must be replaced by permanent structures. It is estimated that for this additional work \$2,000,000 should be available. The question as to what sum, if any, should be paid to the Southern Pacific Company for work done since the break of November 4, 1906, is one for future consideration; for work done prior to that date no claim can be admitted.

But one practicable course is now open for consideration.

The Southern Pacific Company must continue its work to close the break and restore the river to its proper channel. The United States can then take charge, making the protective works permanent and providing for their maintenance.

It is not believed that a free gift of this money should be made, as by its investment the stability of property of great value will be secured and the increase in land values throughout the Imperial Valley will be sufficient to justify the provision that this money should be returned to the Government.

The Reclamation Service should be authorized to take steps at once for the construction of an irrigation project, under the terms of the reclamation act, for the lands in the Imperial Valley and in the lower Colorado River Valley. The Service should be in position to proceed actively with the organization of the project and the construction of the works as soon as the conditions in regard to the protection of the valley against overflow will justify expenditures for this purpose.

To accomplish this, the United States should acquire the rights of the California Development Company and its subsidiary corporations in the United States and Mexico upon such reasonable terms as shall protect the interests of the Government and of the water users. The United States should obtain, by convention with Mexico, the right to carry water through that country upon reasonable conditions.

Most of the land in the Imperial Valley has been entered under the terms of the desert-land act or the homestead laws, and title has not passed out of the United States.

The construction work required would be: The main canal some 60 miles in length from Laguna Dam into the Imperial Valley; the repair and partial reconstruction of the present distribution system in the valley and its extension to other lands, mainly public; diversion dams and distribution systems in the Colorado River Valley, and provision for supplementing the natural flow of the river by means of such storage reservoirs as may be necessary. This would provide for the complete irrigation of 300,000 acres in the Imperial Valley and for 400,000 acres additional in the United States in the valley of the Colorado in Arizona and California.

The reclamation fund now available has been allotted for projects under construction and the anticipated additions to the fund for the next few years will be needed to complete these projects. It will therefore be impossible to construct a reclamation project for the Imperial Valley with the funds now in hand, and it will be necessary for Congress to make specific appropriation for this work if it decides to undertake it.

Such appropriation would be expended for a project carried out under all the provisions of the reclamation act, requiring the return to the reclamation fund of the cost of construction and maintenance of the irrigation works, and there should be the further requirement that the cost of permanent protective works and their maintenance be repaid.

The interests of the Government in this matter are so great in the protection of its own property, particularly of the public lands, that Congress is justified in taking prompt and effective measures toward the relief of the present situation. No steps, however, should be taken except with a broad comprehension of the magnitude of the work and with the belief that within the next ten years the works and development will be carried out to their full proportions.

The plan in general is to enter upon a broad, comprehensive scheme of development for all the irrigable land upon Colorado River, with needed storage at the headwaters, so that none of the water of this great river which can be put to beneficial use will be allowed to go to waste. The Imperial Valley will never have a safe and adequate supply of water until the main canal extends from the Laguna Dam. At each end this dam is connected with rock bluffs and provides a permanent heading founded on rock for the diversion of the water. Any works built below this point would not be safe from destruction by floods, and can not be depended upon for a permanent and reliable supply of water to the valley.

If Congress does not give authority and make adequate provision to take up this work in the way suggested it must be inferred that it acquiesces in the abandonment of the work at Laguna and of all future attempts to utilize the valuable public domain in this part of the country.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 12, 1907.

Mr. PERKINS. Mr. President, as the carrying into effect of the recommendations made in the message of the President is likely to affect our relations with the Republic of Mexico, it seems to me proper to ask that it be referred to the Committee on Foreign Relations, and that, with the accompanying maps, it be printed. I make that motion.

The motion was agreed to.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The morning business is closed.

Mr. FORAKER. Mr. President, I ask that Senate resolution No. 208 may now be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the resolution submitted by Mr. FORAKER on December 20, 1906, as modified; which was read, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

The committee, or any subcommittee thereof, is further authorized, if deemed necessary, to visit Brownsville, Tex., inspect the locality of the recent disturbance, and examine witnesses there.

Mr. TILLMAN. Mr. President, this resolution has already occupied the attention of the Senate during several legislative days, and it undoubtedly has excited a great deal of interest throughout the country. The discussion in this body has been so far engaged in by distinguished lawyers. In some of its aspects it has the appearance of a case in court in which certain members of the Twenty-fifth Regiment, or rather certain enlisted men belonging to that regiment, are under indictment. The President of the United States is the prosecutor as well as the executioner. Following the simile of a trial in court, the array of counsel for the defense and for the prosecution is not yet complete; but so far as their names have appeared on the record there is an element of incongruity and of the ridiculous almost in the queerness of the alignment. For instance, as attorneys aiding the prosecution, or pressing it, we had the distinguished Senator from Texas [Mr. CULBERSON], a Democrat; the distinguished Senator from Massachusetts [Mr. LODGE], a Republican, coupled with the distinguished Senator from Virginia [Mr. DANIEL], a Democrat, and for the defense—if it shall be so considered when I get through—I shall be put in the record as aiding the distinguished Senator from Ohio [Mr. FORAKER].

Of course, being nothing more than a cornfield lawyer, my contribution to the legal discussion of this question will be very limited and comparatively worthless. My colleague and brother attorney must realize that, so far as legal assistance is to go, he will get little or no aid from me; and I must confess that thus far I do not think he needs any.

But the ridiculousness of the situation is made apparent when one considers that a Senator from the North, who, by reason of his radical and aggressive utterances and, probably, actions in the past once gave him the name of "Fire Alarm"—I say that Senator finds himself aligned with that Senator from the South who is supposed to have a broiled negro for breakfast [laughter], who is known to justify lynching for rape, and whose attitude is one of not hatred toward the negroes, but of a feeling akin to it, in the belief that white men are made of better clay than negroes and that white men alone are entitled to participate in government—I say this alliance is an odd one.

I want to say, Mr. President, that I appear here in this connection, and I shall present the views which I shall give to the Senate upon the broad and general proposition, although coming from South Carolina and known as probably the most ultra of my brethren in this Chamber on the subject of the race question—that even I, while I may be alone, and, as I am informed, am already alone in my attitude—even I want to see the negroes treated fairly and justly.

The President of the United States has, in my opinion, dealt with certain men of the Twenty-fifth Infantry very unjustly. He has gone entirely too far in dealing with some of them, while he has stopped very, very far short of meting out proper punishment and justice to others of them. My proposition in discussing this question will be to try to prove that even he has no right nor any authority to punish an innocent man because some men have been guilty.

What are the charges against these 167 men whose skins are black who have been summarily discharged from the United States Army by Executive order? They are very grave. I shall now read from the President's special message, found in Senate Document 155. Speaking of the troops, he says:

They have stolidly and as one man broken their oaths of enlistment and refused to help discover the criminals.

I propose to read the oath of enlistment, so that Senators may understand just how much there is of truth in the President's accusation:

I, A. B. do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and Articles of War.

I see nothing in this oath which makes it obligatory upon a man belonging to these three companies of the Twenty-fifth Infantry to tell something that he does not know or to tell something that might incriminate himself. The Constitution, I believe, protects a man from being compelled to answer questions like that.

I have read all the testimony, or, I should say, the exhibits, for there is very little real testimony submitted in this Document No. 155, and I have not been able to discover wherein a single man has broken his oath of enlistment.

Further down in his message the President says:

People have spoken as if this discharge from the service was a punishment. I deny emphatically that such is the case, because as punishment it is utterly inadequate. The punishment met for murderers and murderers such as those guilty of the Brownsville assault is death; and a punishment only less severe ought to be meted out to those who have aided and abetted mutiny and murder and treason by refusing to help in their detection.

So we have the charge of the breaking of the oath of enlistment, supplemented by charges of mutiny, treason, and conspiracy of silence. I have here somewhere—and I will put the exact definition in the Record—what the law and the dictionaries define as treason and mutiny. Senators are all familiar with the words; they know what they mean; and I deny emphatically that a solitary man of the Twenty-fifth Infantry has been guilty of either mutiny or treason. Murder has undoubtedly been committed, and conspiracy to murder has been committed, and, as I believe, by some of these very men; but in no case and in no report of any inspector are more than twenty charged with participation in that crime. Nowhere do we find more than twenty involved; yet 167 men have been discharged. Here are the definitions I spoke of:

DEFINITIONS.

Mutiny.—1. Insurrection against constituted authority, particularly military or naval authority; concerted revolt against the rules of discipline or the lawful commands of a superior officer; hence, generally forcible resistance to rightful authority; insubordination.

2. Violent commotion; tumult; strife.

Treason.—1. The offense of trying to overthrow the government of the state to which the offender owes allegiance, or of betraying the state into the hands of a foreign power; disloyalty; treachery.

2. Loosely, the betrayal of any trust or confidence; treachery; perfidy.

The President says that their discharge without honor is not a punishment. Then, why did he do it? Why did he not seek to obtain the necessary evidence to convict the guilty and leave the innocent alone? Who is responsible for the failure of justice?

In the first place, these troops were sent to Texas against the protest of one of the Senators from Texas and of the Member of Congress representing that district, who warned the War Department of the dangers and the almost inevitable result of their going there. Their warnings were brushed aside as of no concern or moment to the authorities, and the troops were sent. They were sent there, too, in the face of their known record, as officially set forth in this document, as a lawless, brutal, murderous set of cutthroats. Trouble broke out almost immediately, as could have been known from the character of the men and the character of the town. A soldier jostles some ladies or pushes them off the sidewalk. He is clubbed by a Federal officer—I have not traced it to see whether or not he is a northern man, but he holds an important position in the custom-house. Another soldier is either pushed or jostled off the sidewalk leading from the boat and gets in the mud. The negroes attempt to exercise their privileges, as they think they were entitled to, of drinking with white men at the same bar. This is denied, and they grow very angry. A day or two later as respectable a woman as lives in the city of Brownsville is seized by the hair by a soldier in broad daylight, violently thrown to the ground; the man runs off and makes his escape, having given this exhibition of unsoldierly conduct.

When the commanding officer is informed of it he pooh-poohs the accusation. It is hardly worth his consideration, because forsooth there is a "tenderloin district" near by. He did not even take the trouble to inquire whether this was a respectable woman or not. He makes no move to detect the brute who had been guilty of it. He acts altogether as though there was nothing dangerous around there, nothing worthy of his consideration, nothing that would cause him to think it worth while to tighten

the discipline, to take precautions, to try to bring about an understanding with the authorities of the city, and so on, and stop these clashes.

So within two weeks—I believe they got there on the 28th of July—on the 13th of August, about midnight, somebody runs amuck; a white man is killed in one of the barrooms where the negroes had been denied the privilege of drinking. The chief of police has his horse killed under him, his arm shattered so it has to be amputated; houses are perforated with bullets—houses in which women and children are lying in bed and where the lights are still burning. The men being in the dark, of course it is difficult to prove positively that these were colored soldiers, but I do not imagine that any evidence will ever be produced or can be produced to show that this crime was not committed by some of the Twenty-fifth Infantry stationed at Fort Brown. I am thoroughly satisfied of it myself. I am convinced by the negative rather than the positive testimony, and from my knowledge of negro character after fifty-nine years' contact with them. I claim to know as much about the characteristics of the American negro as any man living, and I have no more doubt the negro soldiers did these infamous things than that I am alive and standing here.

The Senate committee, if it shall be authorized, may go to Brownsville and investigate to the limit, and I hope, since there is the desire for the fullest possible light, with which I agree, that it will be able to get evidence which will shield the innocent negroes and at the same time enable the guilty ones to be punished.

I ask to incorporate in the RECORD a brief résumé or synopsis of the different acts of violence, murder, riot, shooting up towns, etc., of the Twenty-fifth Infantry which has been compiled and sent to us, supplemented by one case coming from Key West, Fla., which appeared in yesterday's RECORD in the speech of Mr. SLAYDEN, of Texas, in the shape of an affidavit of Mr. Knight, sheriff of Monroe County, Fla., as to one of their escapades or criminal acts as they were going to Cuba. In the affidavit the sheriff testifies to the fact that a member of that regiment was arrested by the police and imprisoned in jail, and about midnight forty or fifty members of the company visited the jail and threatened to kill the sheriff, and do dire and sundry unlawful acts unless this man was released, and, in fear of his life, the sheriff turned him loose. I will ask that these various matters may be incorporated in the RECORD without reading. I will just give the headlines: Sturgis City, Dak.; Winnemucca, Nev.; San Carlos Agency, Ariz.; El Paso, Tex.; Niobrara, Nebr.; Key West, Fla.

In all these instances this very same regiment had perpetrated outrages almost as great as the one at Fort Brown. It was known that this was the character of the regiment, and yet the War Department, ignoring the protest and the warning of the representatives from Texas in this body and in the other, sends them there anyhow, and it is to locate the indirect responsibility, if I can not locate the direct responsibility for this crime and for this tragedy, that I shall present some reasons after a while.

The VICE-PRESIDENT. Without objection, permission is granted as requested.

The papers referred to are as follows:

ROWS THE TWENTY-FIFTH INFANTRY HAS BEEN IN.

Sturgis City, Dak., September 19-20, 1885.—Twenty-fifth Infantry was stationed at Fort Meade, 1½ miles away, and on account of some imaginary grievance came into the town and killed Dr. H. P. Lynch. About fifteen or twenty soldiers were in the party and were armed with Government rifles. A mob then lynched Corporal Hollis. In retaliation a body of negro troops went to town and shot up a dance house, killing a cowboy. Four men were arrested and turned over for trial. Troops were not removed.

Winnemucca, Nev., June 23, 1899.—Twenty-fifth Infantry stopped at Winnemucca to get supper, and negro troops went into a saloon and a free-for-all fight ensued, in which the bartender was killed. About thirty soldiers went into the saloon and ran the barkeeper out and robbed the saloon. Same troops went on to Carlin and robbed another saloon, and the train pulled out before the proprietor could make complaint to the officers. After the shooting at Winnemucca, and even while it was going on, the negro soldiers all made a break for the cars of the train and became so thoroughly mixed that nobody could identify the men who had been in the saloon. The authorities held the train from 6 o'clock until 1.30 at night and then had to let them proceed without finding the guilty parties.

San Carlos Agency, Ariz., October 13, 1899.—Indians complained that soldiers came into their camp and mistreated their women, and upon the authority of the officers of the Twenty-fifth Infantry arrested two of the negro soldiers at their camp. In retaliation thirteen negroes went to the Indian camp and severely beat four of the Indians. Two soldiers turned State's evidence, and all were arrested and given to the civil authorities for trial.

El Paso, Tex., February 16-17, 1900.—Nine men of Company A made an attack on the city jail, where two of their companions were confined on charge of drunk and disorderly, and they killed a policeman on duty at the jail and had one of their number killed. One of the soldiers turned State's evidence, and all were turned over to the authorities for trial.

Niobrara, Nebr., October 29-30, 1904.—A dance hall about 1½ miles

from Fort Niobrara was shot up and a woman was killed and two men wounded. Two soldiers with khaki uniforms and guns were seen running toward the fort and sixteen empty Krag-Jorgenson shells were found. Although every effort was made to find the guilty parties they were never found.

KEY WEST INCIDENT.

However, the Twenty-fifth Infantry has been conspicuous even among the negro troops, for its persistent career of crime and mutiny. In 1898, while on the way to Cuba, the regiment was delayed a few days in Key West. What they did there to maintain their record of insurrection and contempt for law is told in the following language by the sheriff of Monroe County. Please observe that the statement is sworn to. I have a letter from an attorney of Key West, who was then police judge, which confirms the statement of the sheriff and which also says that a drunken soldier, whom he was arresting, fired his pistol at the officer.

STATE OF FLORIDA, Monroe County:

Before the undersigned authority personally appeared Frank W. Knight, who, being duly sworn, says: That I was sheriff of Monroe County, Fla., in May, 1898, and that the Twenty-fifth United States Infantry (colored) was at that time in the city of Key West awaiting orders for Cuba. That on the 20th day of April, anno Domini 1898, at about 10 p. m. of the same day, one Henry A. Williams (colored) and one of the men belonging to the Twenty-fifth United States Infantry was brought to jail by the city police, charged with an assault with intent to kill; that at about 1 a. m. next morning at least thirty or forty of the soldiers belonging to said Twenty-fifth United States Infantry, armed with their guns, came to the jail and surrounded the jail, and came to the door of said jail and demanded the said Williams, saying that if he was not delivered to them they would break the jail down. I, being overpowered and no arms to defend myself and the rest of the prisoners in jail and fearing trouble might come to all in jail, thought it best to deliver said prisoner to them, intending to report the matter to the commanding officer at the barracks the next morning. Deponent further says that another reason why he delivered the prisoner over to them was because he had other prisoners in jail charged with murder, and he feared that if he did not turn over this man they would carry their threats into execution, and he would then lose those who he had confined for murder. That the conduct of these men was boisterous, and they were crying out all the time that if I did not turn this man over they would riddle me with bullets and that there would not be a brick left in the building.

F. W. KNIGHT,
Sheriff Monroe County, Fla.

Sworn to and subscribed before me this the 27th day of December, A. D. 1906.

L. W. BETHEL,
Notary Public, State of Florida at Large.

Mr. TILLMAN. In speaking about the type of men who composed this regiment, I will quote this from the record in regard to the Sturgis incident:

A few minutes afterwards another lieutenant came to the house and said he had heard firing from the direction of Sturgis, but thought it was at the "Half-Way House." The general then ordered him to take another detachment and arrest the soldiers. In about a half hour afterwards a horseman came riding up in great haste and informed the general that the soldiers had fired into "Abe Hill's" house and killed an inoffensive cowboy who was standing there, and that they had also fired volleys into one or two other houses. General Sturgis then ordered that Captain Ord should make a check roll call, examine the arms, and bring in such as had the appearance of being recently fired. This was done. But the fellows had scampered back by short cuts over the hills and gotten into their bunks before the roll call, which disclosed the absence of only three, who, I think, were satisfactorily accounted for. (Page 320.)

As to Winnemucca, it says:

Daylight had now so faded that only flashes of the discharges (five to eight in number) were seen. It is admitted by Klucny that no shooting occurred until the men left the saloon. After the shooting the enlisted men dispersed quickly, running for their coaches. In the meantime some one had gone to the Lafayette Hotel and apprised the officers there at supper of the shooting, but before they could reach the scene of the disturbance the men were in their coaches.

So these fellows were trained how to shoot up a town and murder men and then mingle with the innocent and get back to quarters or wherever they might at that time belong, and therefore hide the trail of the actual criminal and prevent detection.

Mr. President, before I go any further I wish to define, broadly and briefly, the principles on which I rely for demonstration that the President of the United States has exceeded his authority and has done an unconstitutional act. I have challenged and I now challenge any man to produce in any article of war a scintilla of language to show that these men have been guilty of the acts which the President charges; I mean the conspiracy of silence. I said any of these men; I mean that all of them have done it. The conspiracy of silence is not in the Articles of War. The mutiny is there, but no man can produce a solitary fact in relation to this transaction which even squints at mutiny, and the charge of treason is too absurd even to be considered.

But the foundation upon which I rest my case is the well-settled principle of English jurisprudence, from which we derive our own, that the innocent shall not be punished for the sins of the guilty, and Blackstone tells us "it is better that ten guilty men shall escape than that one innocent man should suffer," and all men are to be considered innocent until proven guilty.

Speaking of this conspiracy of silence, I call attention to the President's annual message, sent to us in December, where,

on page 9, he quotes with approval, and therefore indorses and adopts, this language from Governor Jelks, of Alabama:

The white people of the South indict the whole colored race on the ground that even the better elements lend no assistance whatever in ferreting out criminals of their own color. The respectable colored people must learn not to harbor their criminals, but to assist the officers in bringing them to justice.

Does the President of the United States believe that when he says the colored people "must learn so and so" that is going to change the nature of the African, or that his ipse dixit, his command, will make "the Ethiopian change his skin or the leopard his spots?" Every man familiar with the negro character knows that they will bear torture with stoicism in defense of one another rather than act as traitors. Whether it be a virtue or a vice, it is inherent in the nature and can not be eradicated by discipline or anything else. Then why upbraid the poor negro and punish him because he is true to his nature and his race and his color?

I quote some more from the message of our Executive:

Moreover, where any crime committed by a member of one race against a member of another race is avenged in such fashion that it seems as if not the individual criminal, but the whole race, is attacked, the result is to exasperate to the highest degree race feeling. There is but one safe rule in dealing with black men as with white men; it is the same rule that must be applied in dealing with rich men and poor men; that is, to treat each man, whatever his color, his creed, or his social position, with even-handed justice on his real worth as a man.

Mr. President, why did the negroes in Brownsville attack the whole town without singling out a solitary white man, except because of race hatred? Who can escape from the fact that if that had been a negro town the probabilities are there never would have been any Brownsville murder? It was due to the hatred of the white race collectively that the soldiers invaded the city in that way and shot it up, doing murder, and then rushing back, as they had been trained, to get into quarters, to get somewhere around when the roll call was going on and escape detection, for the time being at least, if not forever, and thus have gratified their revenge upon the white race generally. And who is more responsible than any other man alive for this feeling among the negro soldiers?

I have here somewhere—I will find it in a minute—something relating directly to this phase of the subject and pointing to the inspiration and source of this feeling. I have it now. I will read, first, as indicating where this virus emanates, what its source is, General Orders, No. 29:

[General Orders, No. 29.]

WAR DEPARTMENT,
Washington, February 8, 1906.

The following is published to the Army for the information and guidance of all concerned:

THE WHITE HOUSE, Washington, February 3, 1906.

My Dear Mr. Secretary:

I have received your letter and the court-martial proceedings in the case of Lieut. Roy I. Taylor.

In my judgment Lieutenant Taylor committed one of the most serious faults which any officer can commit. I am glad that he was reduced twelve fies. It is a pleasure to record the fact that his offense was altogether exceptional in the body to which he belongs; I know of no other officer who has ever been guilty of similar misconduct.

There is no body of men in this country of similar size which merits so well of the country as the body of officers and enlisted men in the Army and Navy of the United States. Not only should the country as a whole jealously guard the interests of these men and regard their honor as being identified to a peculiar degree and in a peculiar sense with its own, but the members of the body should themselves feel the same jealous eagerness to uphold the honor and standing of all connected with it. Above all this should be the object of the officers as regards the enlisted men.

The more civilized a nation is, the more honestly desirous it is of securing peace, the greater should be the care with which it fosters and encourages the preservation of the military virtues among its citizens, and in no way can this be better achieved than by a resolute effort to secure proper recognition for the enlisted men of the Army and Navy. The uniform of the enlisted man is a badge of honor. It entitles him to peculiar consideration. It shows that in the great majority of cases he has learned those habits of self-command, of self-restraint, of obedience, and of fearlessness in the face of danger, which put him above most of his fellows who have not possessed similar privileges. To strive to discriminate against him in any way is literally an infamy; for it is in reality one of the most serious offenses which can be committed against the stability and greatness of our nation. If a hotel keeper or the owner of a theater or any other public resort attempts such discrimination, everything possible should be done by all good citizens to make the man attempting it feel the full weight of a just popular resentment, and if possible, legal proceedings should be taken against him. As for the commissioned officers, it both is and must be their pride alike to train the enlisted man how to do his duty and to see that the enlisted man who does his duty is held in honor and respect.

Very truly, yours,

THEODORE ROOSEVELT.

Hon. W. H. TAFT, Secretary of War.
By order of the Secretary of War:

J. C. BATES,
Major-General, Chief of Staff.

Official:
F. C. AINSWORTH,
The Military Secretary.

This general order was published in every encampment and read before every regiment and company of the United States Army. Of course the negroes of the Twenty-fifth Infantry had seen and heard it—heard it read.

But that is not all. Here is another exhibit:

OYSTER BAY, N. Y., September 21, 1906.

DEAR ADMIRAL THOMAS: I inclose \$100 to be used in that suit, which, thanks to you, has been so wisely undertaken, to test the legality of excluding any man from any public place of entertainment because he wears the United States uniform. I feel that it is the duty of every good citizen to endeavor in every shape and way to make it plain that he regards the uniform of the United States Army and Navy just as much when worn by an enlisted man as when worn by an officer, as a badge of honor, and therefore entitling the wearer to honor so long as he behaves decently.

There is no finer body of men in all our country than the enlisted men of the Army and Navy of the United States, and I can not sufficiently express my indignation and contempt for any man who treats his uniform save with the respect to which it is entitled. If a man misbehaves himself, then no matter what uniform he wears he should be dealt with accordingly; but the fact of wearing a United States uniform should be accepted as presumptive evidence that the man who wears it is all right, and any discrimination against the uniform as such is more than presumptive evidence that the man thus discriminating is all wrong.

Sincerely, yours,

THEODORE ROOSEVELT.

The President expatiates in a personal way along the same line, of the right of an enlisted man regardless of color or race, to enjoy every privilege of entering hotels, theaters, cars, and everything else the same as whites, ignoring the fact that we have in Washington separate bars—

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. NELSON. Will the Senator from South Carolina allow me to ask him a question?

Mr. TILLMAN. With pleasure.

Mr. NELSON. Would you deny that privilege to a white soldier which the President has asserted ought to be accorded to him?

Mr. TILLMAN. Of course not. I will go as far as any man in giving the white man in the Army and the white man out of the Army equal privileges.

Mr. NELSON. Why should not the colored soldier, if he conducts himself properly, have the same privileges that the white soldier has?

Mr. TILLMAN. For the simple reason that God Almighty made him colored and did not make him white. [Laughter.] Now, I am not going to give you any logical answer to a good many things that will pass through your mind. I am going to tell you, however, or, rather, I shall tell the Senate and not address the Senator particularly, because I suppose the same thought is passing through the minds of others, that it is not worth our while to try to make men over. We can not do it by law or by constitutional amendment. I will discuss that phase a little later.

I was proceeding to illustrate by saying that in this District we have thought it necessary to have separate schools for the races, and we have found it necessary to prevent the negroes from voting, and in order to do that we have prevented the white people from voting. It is well understood that no negro would any more dare to go to the Willard Hotel or the Raleigh and expect to be served at the bar or in the restaurant than if he were to go to the White House—no; not as easily. [Laughter.] But why ignore a great fact, which is that caste feeling is universal; that it pulsates in the bosom of the Senator from Minnesota, though he may not be aware of it, and that you can not ignore caste feeling. But I do not want to get off on that line yet.

In illustration of this programme or this cultivation of the idea of absolute equality, the President has been represented, not by himself directly, but by his Secretary of the Navy, in an effort to secure the passage of a bill, which was introduced last winter, coming from the Navy Department, accompanied by a letter of the Secretary of the Navy, Mr. Bonaparte, urging its passage, looking to the punishment of any person, public carrier or other, who seeks to discriminate on account of the uniform, not on account of race or color, but on account of the uniform. I will ask that these exhibits be printed without reading them. They are all along the same line and they bear the impress of the President's own feeling, his own ideas, his own purposes, for none of his Cabinet ever differs in essentials with their chief.

The VICE-PRESIDENT. Without objection, permission is granted.

The papers referred to are as follows:

NAVY DEPARTMENT,
Washington, January 15, 1906.

SIR: I have the honor to transmit herewith, for your consideration and that of the committee, the draft of a bill "To promote the eff-

ciency of the Navy, and, to such end, to secure due respect to the uniform thereof."

This proposed measure makes a refusal on the part of any common carrier, innkeeper, or proprietor of a place of public entertainment or amusement to accommodate, serve, or entertain any enlisted man of the Navy wearing the uniform thereof punishable by fine or imprisonment, or both, provided that such enlisted man is sober and orderly and able and willing to pay for such accommodation, provision, or service.

It is believed that some action should be taken by Congress to enforce respect for the uniform of enlisted men of the Navy. In this connection the attention of the committee is invited to the following paragraphs taken from my annual report for 1905, page 11:

"The attention of the Department was called some months since to the action of one of its employees at a navy-yard in refusing to carry out a contract he had made with an enlisted man of the Navy to let a portion of his house to the latter, on the ground that the intended lodger expected to wear his uniform. In reply to a letter of inquiry the employee in question admitted this statement to be substantially correct, but gave as an excuse that his wife feared her 'social position' would be affected if a man in sailor's clothes were seen going into or coming out of her house. On the admissions contained in this answer I dismissed him from the public service.

"The uniform of an American sailor is universally recognized as not only decorous but picturesque, and is frequently imitated in the costumes of children and young women. The objection on the part of the dismissed employee or his wife to its use by a person who should live in their house evidently arose not from any prejudice against the dress, but from the unfounded and calumnious notion, unfortunately not confined to them, that a sailor on shore is presumptively a disorderly and drunken individual and a fit associate for rowdies and prostitutes. I need not discuss whether there ever was any truth in this idea with respect to the sailors of our Navy; certainly it is wholly false and slanderous at present.

"The Department has tried long and earnestly to secure for the service men of good moral character and reputable antecedents; and it therefore demands and, so far as it can, compels respect for these men and for their uniform from all classes of the community. It might appear at first sight that an incident such as the one above noted was hardly of sufficient importance to justify mention in this report or action by the Department, but in certain respects this discrimination against the uniform has very serious consequences. Not only does it retard enlistments and promote desertions, but when a ship of war comes into port from a cruise, lasting perhaps many months, its enlisted complement, consisting in great majority of young married men, have a natural and legitimate desire for relaxation and amusement after this long period of isolation and monotony. If they are not admitted to reputable places of entertainment, they will go to such as are disreputable; if the 'social position' of virtuous women is affected by being seen in their company, they will associate with vicious women, and the results of this almost enforced debauchery will be deplorable to themselves and to the service.

"I recommend that the Congress make any refusal on the part of the proprietor of a theater or other place of amusement, an innkeeper, or a common carrier, to furnish accommodation to an orderly and well-behaved person in the naval service able and willing to pay for such accommodation an offense against the United States, punishable by fine and imprisonment."

Very respectfully,

CHARLES J. BONAPARTE,
Secretary.

HON. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

A bill (S. 3406) to promote the efficiency of the Navy and, to such end, to secure due respect to the uniform thereof.

Be it enacted, etc., That any common carrier, innkeeper, or proprietor of a place of public entertainment or amusement of any kind or description, or any agent, servant, or representative of any such common carrier, innkeeper, or proprietor as aforesaid, who shall willfully neglect or refuse to furnish any enlisted man of the Navy of the United States, wearing the uniform thereof as provided in his case by law or regulation duly made, any form of accommodation, provision, or service which the said common carrier, innkeeper, or proprietor as aforesaid is, at the time of application therefor by such enlisted man, so in uniform as aforesaid, prepared to furnish for compensation as such common carrier, innkeeper, or proprietor to an adult male person in good health, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction, shall be fined not less than \$50 nor more than \$1,000 or shall be imprisoned for not less than thirty days nor more than eighteen months, or shall suffer both such fine and such imprisonment, in the discretion of the said court: *Provided*, That the enlisted man aforesaid at the time of so applying for such accommodation, provision, or service as aforesaid shall be sober and orderly and able and willing to pay for the same in accordance with the rates fixed therefor by the said common carrier, innkeeper, or proprietor of a place of public entertainment or amusement when the like accommodation, provision, or service is applied for by civilians.

SEC. 2. That this act shall take effect from the date of its approval, and that all acts or parts of acts inconsistent therewith or repugnant thereto shall be, and the same are hereby, repealed to the extent of such inconsistency or repugnancy.

Mr. TILLMAN. It will be noted that in the above bill, which was never reported back from the Naval Committee, that any enlisted man, black or yellow, would be entitled to its protection and benefits.

But these troops, having been taught that their uniform was a badge of nobility, entitling them to every consideration that every other man should get, are sent to this southern city, where class prejudice, if you want to designate it as such, exists. I will say, by the way, that I am informed that the city of Brownsville is not a Texas city, except that it is in Texas. It is inhabited very largely by people of northern birth, a great many of whom are Republicans, and the feeling of revulsion to social equality with the negro there, the blow on the head by Mr. Tate because a soldier jostled his wife,

is no more than I would expect from any member of this Chamber, whatever his political affiliations, wherever he might be, who saw a white lady insulted by a negro soldier.

But do not let us forget that this feeling is not peculiarly southern. It is well-nigh universal. When these men went there and soon discovered that the people of the town did not recognize the President's idea and were not ready to subscribe to it, that they were unwilling to grant them the privileges that they thought they had the right to expect, they immediately set about to bring on an excuse or to provoke conditions which would make them feel justified in doing what they did.

So it appears to me that primarily the responsibility for the Brownsville murder rests with the War Department in having sent these men there after their records; secondarily, that the President, having inculcated in the minds of these men and encouraged them in the feeling and belief that he, the great Executive of this nation, stood sponsor for the doctrine of absolute equality anywhere, instead of being dismissed without honor they would rather make His Excellency feel happy and proud to see how well they had learned the lesson and how they were taking it out on the bitter, vindictive, nigger-hating Texans, or southerners.

I want to be just to the negro if I know how. Probably I do now know how. But I would be sufficiently just not to lynch 167 of them because twenty-odd had been guilty of something. No southern mob has ever gone that far in the way of taking life without due process of law. Doubtless innocent men have been lynched and innocent men will be lynched again, as they were at Atlanta, and the more this kind of doctrine of equality is preached the more lynchings and the more murders and the more trouble.

There is another phase of their being sent there, and that is that they had five officers for three companies. They were practically without control, and that, too, in view of the well-known fact that discipline and preservation of order under such trying circumstances and conditions as arose there and as were likely to arise there would be impossible with so few officers. For instance, during the El Paso trouble, into which this same regiment got, Colonel McKibben, of the Twelfth Infantry, who was sent to investigate, writing March 1, 1900, from San Antonio, says:

The incident, however, shows that at all posts in this department garrisoned by single companies of colored soldiers similar disturbances are liable to occur without warning, due to fancied wrongs and the effort to take matters into their own hands. In the present instance there can be no possible excuse offered, and it can not even be suggested that the arrest of Corporal Dyson was not warranted.

The incident also emphasizes the need for a full complement of officers at all one-company posts. One officer can not alone properly and efficiently administer the affairs at these posts and at the same time pay the attention to the instruction and discipline of their companies, consisting so largely of recruits, with noncommissioned officers of comparatively short service and insufficient experience, which is absolutely necessary.

So, with the improper complement of officers, three companies of cutthroats, who had shown time and again the murderous character of the men, are sent to a town, imbued with the doctrine of the President that they must demand recognition of their social rights, to drink with white men, to go where they pleased, and be treated the same as white men.

Who, then, is responsible for the Brownsville outrage?

Let Senators themselves answer the question!

Now I come down to some of the particulars. When this tragedy first occurred a strange thing happened. It was not so strange, either, considering the first impression made on the Executive mind, as shown by the dispatch from Mr. Loeb to the War Department, page 39. He says that the people of Brownsville must be made to understand that if these troops were removed from there in response to the pleas of the citizens, to the pleas and protests of both Senators, reiterated two or three times, that post would be abandoned, temporarily at least. "If you do not take your medicine and allow my negro pets, whom I send among you indoctrinated with the belief that they are as good as you are, to do as they please, you shall not have any Army post in the city of Brownsville at all." That is the first idea.

The next thing that occurs to me in reading this exhibit is to point out that while it was known, and the dispatches clearly show, to the War Department and the President, who kept in touch with it, that Major Penrose was incompetent, that he lacked tact, that he had in the beginning distrusted the white people so far that he would not believe them when they made accusations against his soldiers, and made no effort to bring to trial the soldier who had dragged Mrs. Evans to the ground by the hair, and discredited it.

It was shown that Macklin, the officer of the day, had disappeared from duty and could not be found when the shooting

took place. All the negro soldiers who had been in the row, who had been in friction with the white people, belonged to Macklin's company. He was officer of the day, and when this thing happened he was out of the quarters somewhere in a back room and could not be discovered, and did not know of it until an hour after roll call.

Yet it took four months, and nothing but the prodding of the Senator from Ohio and the prodding of the press ever brought about a consideration in the Executive Office that somebody had been seriously derelict, and that a court-martial ought to be ordered to find out whether these officers were not themselves to blame for this murder in Brownsville. Why did it take the President so long to set about a proper military investigation? I will leave that to others to answer. I do not know.

There is another fact: When the President changed front and made up his mind that he would convict the men of this conspiracy of silence and charge them with treason and mutiny in his impulsive way—and I am impulsive myself and must make allowances, I suppose—he goes to the other extreme and ignores the suggestion of Major Penrose after he had gotten out of this hornet's nest which had been raised. The dispatches show that there was dread in the mind of the War Department and of the President that if these troops were not removed, the white men of that community and around in that neighborhood there would, in their wrath and despair or in their rage, simply massacre the whole battalion. They were sneaked out in a manner, carried away, sent to Fort Reno, and then active efforts are begun to discover the real criminals.

Major Penrose, aroused at last to the necessity of trying to restore himself in a manner, suggested the only practical and sensible thing that was ever done or ever suggested—but it was not done. He recommended that three detectives be enlisted and assigned, one to each company; that all restrictions as to duty and patrol and everything else be taken off the men; that they be allowed to get a loose rein and get a loose tongue and go to drinking and one thing and another; and let three detectives who had been put in among them as officers of the law find out the real culprits. That practical suggestion was turned down by the general of the department, ignored by the War Department, ignored by the President, and he followed his own idea of having these men interrogated by Inspector-General Garlington, with the threat that if the good ones among you do not tell on the bad ones, we will have to punish all of you, innocent and guilty alike. But he has said it is not punishment. Of course I must not dispute his word, but it looks very nearly like punishment to take an innocent man and kick him out of the Army because there are some guilty ones in the same command with him. While, as I said, to sever the connection of these men with the Army is entirely too much punishment for those who have done nothing, it is entirely too little punishment for those who shot up Brownsville. So one would wish that Major Penrose's recommendation had been followed, and that the detectives had been given an opportunity to try to ferret out the culprits.

But it was not done; and then in great haste, without waiting to see if something might not turn up which would disclose the culprits, the connection with the Army of the whole lot is severed, and they are roaming up and down the world now discredited. "Discredited," did I say? Why, Senators, they are the heroes of the hour among the 10,000,000 negroes in the United States. They are martyrs in the cause of social equality. They have been driven out of the Army by the act of their good friend Theodore Roosevelt—I mean the man they thought once was their apostle of equal rights. The negroes of the North have been passing resolutions of censure and condemnation and protest in conventions and in churches for the last several months. But if anyone can imagine that these 167 men are not to-day looked upon by the negroes in this country with admiration, then Senators here know nothing of the negro character.

The PRESIDING OFFICER (Mr. LATIMER in the chair). The Senator from South Carolina will suspend. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes.

Mr. CULLOM. I ask that the unfinished business be laid aside until the Senator from South Carolina concludes his remarks.

Mr. TILLMAN. I am very much obliged to the Senator.

The PRESIDING OFFICER. That order will be made, in the absence of objection. The Senator from South Carolina will proceed.

Mr. TILLMAN. The President having refused, or the War

Department having refused or neglected, whichever way you choose to put it, to take any cognizance of the suggestion of Penrose to enlist detectives, the men having been turned out of the Army without honor, we find ourselves discussing here how to get at the real facts. The President, I understand, will send us a special message in a day or two, probably on Monday, with the evidence collected by the agent of the Department of Justice, Mr. Purdy, which I expect will contain nothing more nor less than a legalized repetition, with some little elaboration of the known facts in the case. Mr. Purdy was sent down there of course for the purpose of getting at the facts, regardless of whom they might hurt, but with the undoubted expectation and belief that he would return with legal evidence to convict these troops of the crime, and to that extent justify the President's action. I presume that if the Senatorial committee shall go there, little or nothing else will be added to this, except the opportunity for cross-examination of the soldiers themselves, who will tell their tales as to where they were and how dead asleep they were, and how innocent of all complicity and possibility of knowledge, and all that kind of thing. So we will at the end of a month, or two months, be just as much in the dark, probably, as we are to-day as to who the real culprits are.

I want to call attention to a remarkable change of heart and of attitude at the War Department on this question. The Secretary of War, who is a man whom we all admire, and whose geniality and joviality and big-heartedness make a friend of every man who comes in contact with him, seems to be the author of the phrase "a conspiracy of silence." It seems to me that if we are to adopt that word, or that crime, in the Senate, and the country shall agree that there is such a crime, and that these soldiers have committed it, we ought to revise the Army Regulations and make provision in them for the punishment of this crime. The Secretary of War, who would primarily draft any additional article or regulation, can do no better, I take it, than to define what a "conspiracy of silence" is, and then provide for its punishment in the future, taking cognizance, of course, if he sees fit, that it need not apply to white troops, but shall be used only in case of negro troops.

The Secretary indulges, in his annual report, in some argumentation—special pleading I would call it if he had not been such an ornament to the bench once. I may, I think, with propriety call a fellow-Senator a special pleader, as I have done on occasions, but I would not like to charge a judge or an ex-judge with indulging in that kind of thing. But here is something that the Secretary of War says:

Might not any community into which the War Department should send this battalion, in which it is known that there are from nine to twenty murderers, justly complain that the battalion is not a proper instrument for maintaining the supremacy of the law? Could we properly send such a battalion to the Philippines or Cuba to maintain peace or furnish an example of orderly conduct? If a similar outbreak were there to occur, could we relieve ourselves from responsibility for it on the theory that we could not detect the particular ten or twenty who were guilty of the first murder?

Yet I have shown that the records of the War Department showed (because I did not know anything about it until they sent them here) that these very men had been guilty of murder, murder, murder; that three separate and distinct times they had done this very thing in this very way. Yet he did not think it worth his while to heed the protests of the Senators from Texas to keep these men from Brownsville. So it looks to me like the Secretary had convicted himself if his argument in his annual report, a part of which is in the document, is to have any weight.

Now, here is something I want Senators to listen to:

It may be that in the battalion are a number of men wholly innocent, who know neither who the guilty men are, nor any circumstances which will aid in their detection, though this can not be true of many. Because there may be innocent men in the battalion, must the Government continue to use it to guard communities of men, women, and children when it contains so dangerous an element impossible of detection? Certainly not. When a man enlists in the Army he knows that, for the very purpose of protecting itself, the Government reserves to itself the absolute right of discharge, not as a punishment, but for the public safety or interest. In such a case as this, the inconvenience and hardship to those innocent of participation or knowledge, arising from arbitrarily terminating the contract of enlistment in accordance with the right which the Government by statute reserves, must be borne by them in the public interest. It goes without saying that if the guilty could be ascertained they should and would be punished, but the guilty can not be ascertained, and the very impossibility of determining who are not guilty makes the whole battalion useless to the Government as an instrument for maintaining law and order. The only means of ridding the military service of a band of would-be murderers of women and children, and actual murderers of one man, is the discharge of the entire battalion.

Mr. President, in this connection it will be recalled that the other morning I asked the Senate to order from the Secretary of War the correspondence in the Athens, Ohio, case. The Senator from Ohio [Mr. FORAKER] happened to have the matter in his desk, and it was published as Senate Document 185. In

that document the facts in the Athens case are something like this:

A man belonging to the Fourteenth Battery of Artillery had been arrested by the provost guard or the police, I do not know which. Anyhow, he was imprisoned. There was an encampment of the militia and regulars—a joint encampment—for the training of our military forces; and the behavior of the troops, both militia and regulars, was so bad that the citizens of Athens appealed for protection, and a provost guard was instituted. It happened that on this day, when the man belonging to the battery was in jail for some misconduct, the provost guard consisted of some seven or eight militiamen. About 7 o'clock—it was in August and therefore it was not sundown; it was in broad daylight—some forty or fifty of this body of regulars, with their pistols or arms of some kind, made a concerted movement toward the jail for the purpose of releasing their comrade. Just as they reached the jail, or about the time they reached the jail, the provost guard came up and their officer commanded "Halt" to this body of men. The officer was the legal officer, having the legal right to give the order, the other men being no more than any other citizen or passer-by. The answer was a fusillade of shots by these white artillerymen, the officer being killed—shot down in cold blood—and four men wounded, and then everybody stamped and broke. Two of the men of the artillery turned State's evidence, but before they would agree to testify they asked immunity, or rather they asked that they be transferred out of the battery, because their lives would not be worth having if they dared to disclose who were the actual criminals. The War Department very properly sent the Judge-Advocate-General or somebody from his office to look after the interests of the soldiers, and the Department of Justice was requested to deal with it or to give instructions to the district attorney at Cincinnati to take cognizance of the case and be present while the legal steps were being taken.

The officer representing the Judge-Advocate-General's office went to the city of Athens and made himself known to the attorney of the State, the solicitor or prosecutor, got all his facts, got copies, I believe, of some things with the understanding that he would not use them for the defense of the men charged with this crime. To sum up, this is the utterance of the distinguished Representative in Congress from that district, who had been employed to aid the State's attorney, who is a resident of that city, and whose own offices had been shot up or perforated with bullets. This is the summing up of the action of the War Department itself in dealing with these white culprits who murdered an officer of the National Guard of Ohio in the discharge of his duty. General GROSVENOR, in writing to the Secretary of War, said:

And, in short, the district attorney of the United States and the representative of the War Department left nothing undone to prevent even the holding of these men, each and every one of them, to the grand jury, where a fuller and better investigation might be made. And I do not hesitate to state now that from the minute those shots were fired and from the minute that Corporal Clark lay dying on the streets there has not been left undone any thing or act by the Government of the United States that could be done to prevent an ascertainment of who the murderers were.

That is pretty bitter, or, rather, hot.

Here is another letter on the same subject. The Secretary of War himself was not primarily responsible for any of these transactions, because he was absent somewhere on one of his many expeditions of public necessity to Panama or Cuba—I do not know if to either of those places on that occasion—but we know the Secretary of War is always "holding down the lid" somehow or somewhere for the President. [Laughter.] So General GROSVENOR writes this:

ATHENS, OHIO, December 19, 1904.

HON. WILLIAM H. TAFT,
Washington, D. C.

MY DEAR SIR: I have your letter of December 17. It is possible that I may have exhibited "considerable heat" in my letter of the 30th of September. The murder of Clark was atrocious and infamous, in my judgment, and naturally our people felt terribly outraged. Coming home here, not having been present at the time of the murder, and finding my own office building sprinkled with bullet holes and the public sentiment at the very height of intense, I may have communicated some of it to my letter.

But it is all over; the conspiracy to shield the murderers has been successful. All parties of the outrage were obliterated, and now let me summarize. Fifty to seventy men marched into the most public street of a village like this in the early hours of a pleasant summer evening and without the slightest provocation, meeting the provost guard, fire from fifty to seventy-five shots from loaded weapons, killing one, wounding two, and hitting a citizen, and firing into the windows and walls of the buildings. And yet all this has been obliterated as though the waves of the ocean had swept through sand. And not only that, but the Government officials—a representative of the War Department bearing a commission and a deputy United States district attorney—appeared in the town and manipulated the preliminary examination of witnesses and boldly denounced the prosecution. And we are powerless, and the blood of Clark, a fine young man of Warren

County, Ohio, will go unavenged because of the interference of the United States Government through its officials.

If you wonder that there is some little "heat" out in this neighborhood, I think you would more fully appreciate it if you had a full statement of the situation as it actually occurred.

And so on; signed, C. H. GROSVENOR. Here is the Secretary's answer:

I should think it doubtful policy on the part of the Government to direct its officers to defend enlisted men against acts which as charged are certainly offenses against the State, unless there is some ground to presume that the acts are in the discharge of the lawful duties of the enlisted men. The action of the Acting Secretary of War, however, was based on the helplessness of the men, and the necessity that, no matter how guilty a man is, he is entitled to be defended by counsel. It probably would have been wiser had application been made to court for the assignment of counsel.

Still, an enlisted man is more or less a ward of the Government, and if the Government steps in merely to see that he is tried according to law, it seems to me that it is an exercise of a discretion which the Government has.

Well, Mr. President, with that attitude of the Secretary of War, then I have no cause of complaint. I feel that it was the duty of the War Department to see that those men should have a fair trial, supposing, of course, that the civil authorities in Ohio would not give them a fair trial, which I think must have been impossible. I can not conceive why it was necessary that the War Department should take the step which the Secretary had taken and act as it did in the destruction of the evidence. Finally, the upshot of it was that nobody was ever tried for the murder of Clark at all. One man was tried for riot, I believe, and convicted and sent to the penitentiary for a year and the other was fined something; some trivial punishment was meted out; but it was due entirely, as the distinguished Member of Congress from that district says, to the interference and meddling of the War Department. But the two men who did turn State's evidence—what little evidence was given—were transferred by order of the War Department to another company, so that they might escape any unpleasant or dangerous consequences from their willingness to help see these offenders punished.

My purpose in bringing these matters up is merely to call attention to the remarkable change of front of the Secretary of War in regard to the enlisted man being a "ward of the Government." Is the white enlisted man a ward of the Government and the black enlisted man not? Undoubtedly the War Department made preparations to see that these troops at Brownsville were going to be properly tried. They demanded guaranties of the civil authorities of Brownsville and of Texas that if the men were surrendered there should be no mob violence. They finally, however, became sufficiently alarmed to have charges of a military character lodged against them as an excuse not to surrender them to the civil authorities, ordering that if a warrant was tried to be served on them the answer would be, "These men are under military jurisdiction, to be tried by court-martial for this offense, and you can not get them." That went on until the grand jury, failing to have any direct or positive evidence, unable to indict the men—the guilty parties—although they had selected twelve men against whom suspicion was very strong, the grand jury finally being unable to find a true bill on the evidence then before it, immediately the charge of a military character was dropped. As soon as the civil authorities quit the military authorities quit, except to make effort by personal interrogation to get the men to betray their fellows or to convict themselves.

So it seems to me that there must be a considerable amount of bungling here at headquarters. There was certainly a military crime committed. For instance, the racks were locked in which the rifles ought to have been. That is, the rule required that they should be locked, and yet all the guns were out that were in Brownsville that night. How did they get out? One rack was broken open; but it was said that the soldiers broke that open in their fright when the firing began, because they expected to be attacked by the citizens. The preposterous story is told here that these officers supposed that the garrison was being attacked; that they did not know any better, and did not take any steps to find out any better, until they sent Captain Lyons's company through the town to look up the absentees who had not appeared at the roll call. Of course Major Blocksom tells us that the roll call was a farce; that he had no confidence in it, and does not believe that the record is accurate or reliable. But we are told that within a half hour after the sound to arms, when these valiant troops had gotten their rifles and were lined up against the walls to defend themselves from the assault of the murderous citizens of Brownsville, who were shivering in terror or rage elsewhere, with no arms, their houses perforated with bullets, their women and children just having escaped murder by a miracle, their chief of police shot down, a barkeeper murdered, and so on—I have

gone over that—that within three-quarters of an hour, according to the statement of Major Penrose, when he dismissed two companies and kept one on duty. The next morning he looked to see if there were any foul guns, indicating that they had been fired off, and of course he found none. And yet with this knowledge the War Department took no steps to court-martial Major Penrose or to have an investigation of the conduct of the sergeant who held the keys. They merely relied on the corkscrew furnished Garlington, with a threat, "if you do not tell by such a day the President tells me to inform you that your connection with the Army will be severed." What a drastic method of getting facts!

We are informed in this correspondence somewhere—Major Blocksom, I think, is the source of the statement—that in the old days in dealing with colored troops it had been found necessary, in order to ferret out transgressors, to resort to sweating—another ordinary punishment, I suppose, in the old Army—but in the modern method in dealing with these troops everything is relaxed. They are not given officers enough to keep control and direction over them; they are sent into territory where it is known caste feeling obtains, and when trouble comes preparations are made to defend them. Then they turn around and go to the other extreme, and, instead of defense, they are turned out, discharged without honor—an entirely new punishment in the Army. I have not heard of it until within the last thirteen years, I believe. It originated in 1893, or somewhere in that neighborhood. There used to be an honorable discharge or a dishonorable discharge, and yet Senators, in their hairsplitting and with their effort at legal quibbling, contend that because the Articles of War provide this—

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial—

the President is justified.

That article of war relates to the hold which the Government has on that man, not on the method by which the Government shall release that hold. It was designed to specify the knot around his neck. The Senator from Virginia [Mr. DANIEL] says that that knot is a hard knot so far as the soldier is concerned; a bow knot so far as the President is concerned. But in contradiction of that, I go for the foundation of my belief to the best-informed and most thoroughly effective man I have ever met in the War Department or any other Department of this Government, and that is F. C. Ainsworth. When called on by the President to give "some instances, of which he knows there must be many, where the commanding general of a department or the colonel of a regiment had discharged soldiers without honor or in any other way without court-martial," General Ainsworth says:

A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of three companies of the Twenty-fifth Infantry who were present on the night of August 13, 1906, when an affray in the city of Brownsville took place.

And further on he says:

No record of the summary discharge from the Regular Army, prior to the recent discharge of a battalion of the Twenty-fifth Infantry, of a considerable number of enlisted men at one time has been found.

Very well; because it has never been done and there is no precedent is no reason why it can not be done. Senators have taken the fact that 352 enlisted men have been discharged without honor during the last fiscal year for one cause and another as a basis for the assertion that the President had the authority to discharge the men of these three companies. Well, as I said, I am going to leave the legal quibbling and hairsplitting and special pleading to the various Senators who shall choose to engage in it. They may be right and I may be wrong; but I lay down the fundamental proposition that if General Ainsworth has been unable to find anything like this in the records of the Army for a hundred years, a very queer condition of affairs exists, and it is sufficient for me to declare the President exceeded his authority.

Mr. CULBERSON. From which letter does the Senator from South Carolina—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. Oh, with pleasure, always.

Mr. CULBERSON. From which letter of General Ainsworth does the Senator read?

Mr. TILLMAN. I read from the memorandum—

Mr. CULBERSON. On what page of this book?

Mr. TILLMAN. I will have to get the book now and find it.

Mr. CULBERSON. Very well; I will not disturb the Senator.

Mr. TILLMAN. But it is in there.

Mr. CULBERSON. I call the Senator's attention to appendix 3, page 537, and if the Senator will permit me to read a paragraph, I will do so.

Mr. TILLMAN. Surely.

Mr. CULBERSON (reading)—

In the volunteer service, during the civil war, there occurred numerous instances of the summary discharge of large numbers of men because of misconduct on their part.

Then follow a number of instances given by Gen. F. C. Ainsworth, to whom the Senator paid such a justly high compliment a moment ago.

Mr. TILLMAN. If the Senator will examine pages 311, 312, and 313 he will find the whole memorandum from which he has just now read and the two opinions I just now read. They are all together. Both of them are memoranda to the Secretary of War.

I call the Senator's attention that the facts of which he has just spoken, quoting from General Ainsworth, apply to volunteers during war times, not to the regulars in peace times. A commanding general in the field, charged with the destruction of the enemy and the preservation of his own forces, has always been given unlimited power to do whatever, in his judgment, was best; but the Commander in Chief, under the Constitution—

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. I turn to the page to which the Senator referred me—page 310. I call his attention to the case known as the "Lee case," in which a company of the Eighth Infantry was discharged by Lieutenant-Colonel Lee, of the Second Cavalry, in time of peace.

Mr. TILLMAN. Wait a minute, now. And I call the Senator's attention to the very same Lee case, in the next paragraph to the bottom, on page 311, where General Ainsworth says:

In view of the foregoing statement it will be seen that the action taken in 1860 in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.

So General Ainsworth expressly declares that the Lee case does not apply.

As I said a moment ago, Mr. President, a commanding general in the field, confronting an enemy, environed with danger, charged with the destruction of that enemy and with the preservation of his own forces, always has been given carte blanche as to his authority to do whatever he saw fit; but the President of the United States is supposed to be governed by the Constitution of the land, by the laws of Congress, and by the Articles of War which he himself has promulgated. I ask the Senator—I ask any Senator—to cite me to an article of war which refers to a crime known as the "conspiracy of silence." And yet this conspiracy of silence is the only thing with a shadow of foundation in it for the President's action, because the question of mutiny and of treason are not to be thought of, and as for murder, the President himself and his subordinates have taken the steps, or have permitted the steps to be taken, which have practically destroyed the only chance to convict or to find out the men who did commit the crime.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. Oh, always.

Mr. CULBERSON. Mr. President, if the Senator will pardon me for just a sentence or two in explanation of the question to which I invited his attention, I do not agree that it is necessary for the President's order of discharge to be based upon the commission of any crime that is stated in the Articles of War. There is a distinction between a discharge for the good of the service and a prosecution and conviction of soldiers guilty of criminal offenses named in the Articles of War. But taking the Senator's position, Mr. President, on the subject, he will observe, I think, that he is in direct opposition to the Senator from Ohio [Mr. FORAKER] on this point, as he is on some others—

Mr. TILLMAN. We have not had any conference. The attorneys have not been together on it at all. [Laughter.]

Mr. CULBERSON. It would have been very well if they had. I call the Senator's attention to the sixty-second article of war.

ART. 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

Mr. TILLMAN. Surely; but a court-martial is involved every time.

Mr. CULBERSON. Very well. That is not the Senator's contention, however, and I expressly stated that I did not agree with him in the idea that there could not be a discharge unless a criminal offense had been committed; but the Senator's position was that no man could point to the Articles of War to show that these soldiers had committed an offense.

Mr. TILLMAN. I said the "conspiracy of silence." I did not say anything about their not having committed an offense. I believe they committed murder, some of them, but not the 167 of them.

Mr. CULBERSON. Very well, Mr. President. I ask the Senator if he believes that the soldiers entered into a conspiracy to suppress the facts, as the President states, if they are not, therefore, guilty of such disorder and neglect to the prejudice of good order and military discipline under which they could be dismissed from the service?

Mr. TILLMAN. If tried by court-martial, yes; always tried by court-martial. I do not deny it. I say they ought to have been tried by court-martial. I say they ought to have been tried by court-martial order immediately after the occurrence, as soon as Major Blocksom's first report reached the War Department.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. The Chair will call the attention of Senators to the rule of the Senate requiring Senators to address the Chair.

Mr. TILLMAN. I do not think there is a particle of danger—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. Mr. President, I want, if I can, notwithstanding the Senator's reflection upon the fine-spun theories of lawyers, to have him go back to the fundamental fact that the President, the Secretary of War, and the commander of a department may dismiss and discharge enlisted men from the Army without reference to the criminal offenses enumerated in the Articles of War. In addition to that, wherever the Articles of War provide for it, they may be tried as criminals by a court-martial and convicted, if the evidence necessitates it.

The proposition of the Senator was different. As I understood him, he said no man could point out in the Articles of War a provision indicating that these men, if guilty of a conspiracy to suppress the facts, were guilty of an offense against the law. It happens in this case, in my judgment, that there were sufficient reasons for the President to discharge these men in the interest of military discipline and the good of the service. If the individuals could be reached and a court-martial had the facts, so far as individuals were concerned, they could, in addition to the discharge, be punished under the sixty-second article of war. That is the proposition.

Mr. TILLMAN. Mr. President, I have, as I think, or have tried to—I may have slipped a word which did not say what I meant—I tried to show that the article which the Senator has just read, and which I myself read, in regard to the method of enlisted men being discharged applied and is intended to describe the hold of the War Department on the man. It does not apply and was not intended to apply to the methods of punishment of a man.

Mr. CULBERSON. It uses the word "punished."

Mr. TILLMAN. Where?

Mr. CULBERSON. In the last line of article 62.

Mr. TILLMAN. I am not talking about article 62. I will speak about this provision in article 62 after having read this other:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

The Senator alluded to that, did he not?

Mr. CULBERSON. Certainly.

Mr. TILLMAN. Very well.

Mr. CULBERSON. That is a discharge.

Mr. TILLMAN. And I say that that language does not imply the power of the President to discharge a whole battalion at once. It applies to individual men only, and it has reference to the limitation of the man's right, rather than any declaration of the Government's power.

As to that sixty-second article of war, the provision there is always for a court-martial. These men never had any court-martial; there has never been even a court of inquiry; there has

never been any honest effort of the War Department, through its usual military channels or methods, to arrive at the facts, except by the Inspector-General's Office.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. I take the liberty to ask the Senator one other question.

Mr. TILLMAN. I will answer it, if I can.

Mr. CULBERSON. I know the Senator will try.

Mr. TILLMAN. I said I would try.

Mr. CULBERSON. The Senator has said, Mr. President, that the fourth article of war authorizes the President to discharge individuals, not whole companies. Now, suppose a case.

Mr. TILLMAN. Upon conditions; under special surroundings only.

Mr. CULBERSON. That is an addition to the Senator's previous statement.

Mr. TILLMAN. Oh, well, I am so used to saying things directly that sometimes I do not elaborate enough. The Senator is used to elaboration, and he is, therefore, always clear. I am sometimes obscure.

Mr. CULBERSON. The question I will ask the Senator needs no elaboration. I will suppose a case. As a matter of fact, the President discharged individuals in this battalion by name. Now, I will ask the Senator—

Mr. TILLMAN. He did that merely to get around the other provision.

Mr. CULBERSON. I do not know about that. However, let me ask the Senator the question which I have in mind. That is this: Suppose it were true that every member of this battalion joined in firing a volley at the time this man was murdered. Does the Senator take the position that the President could discharge only one man and could not discharge the whole battalion, notwithstanding each man was individually and identically guilty of the same act at the same time?

Mr. TILLMAN. The Senator knows me too well to believe that I am that big a fool, even though he is given as a great lawyer to badgering lawyers on the other side and getting them in a hole, to use a slang phrase. He knows perfectly well that if all those men could be convicted legally, by court-martial or in a civil court, of having together, jointly, by platoon, or whatever other method, and of having fired and of having killed one man, the whole gang would be in the same boat, charged with murder.

Mr. CULBERSON. That is all I wanted to get the Senator to admit.

Mr. TILLMAN. The Senator did not expect me not to admit it, did he? But instead of the whole 167 being guilty of having fired and shot up the town of Brownsville and killed a man and wounded another and frightened women and children, nobody, any time or anywhere, citizens' committee or otherwise, has said the whole battalion was engaged, and yet a hundred and sixty-seven are punished, or, as I said, made martyrs of, to roam up and down the land. Of course none of these negroes are going back to Texas. One of them, it is said, comes from South Carolina. That is the famous Sergeant Mingo Sanders, who had been in the Army twenty-seven years. I do not know anything about Mingo. I should like to meet him and shake his hand. But Mingo is not going back to South Carolina and let it be known he is Mingo.

Mr. SPOONER. Why not?

Mr. TILLMAN. Simply because the suspicion that will obtain in that country that he may be the fellow who did the killing will make it unhealthy for him down there. That is why not. I wish it was not so. We can not help it. If Mingo had been discharged honorably, after a court-martial had shown that he was innocent, he could go back there and be the biggest man at the camp meetings of the negroes of the whole country around, and the white people would treat him kindly and cordially, and all that sort of thing. But the suspicion of him that he may be the one who fired the shot that killed that young fellow at Brownsville renders it unhealthy for him to go back. I say that as a matter of information.

Mr. FORAKER. What would probably happen to him?

Mr. TILLMAN. Oh, I am not going to get off on that point. I am going to discuss the race question directly. Do not fret. I am going to get right down to the milk in the cocoanut. I do not want the fire alarm to go off until the bell rings. [Laughter.]

I was calling attention, I believe, when I was interrupted and sidetracked, to the difference of treatment accorded these negro troops and the members of the company of artillery at Athens, Ohio. There murder was committed, and murder against the

lawful authority. The murder at Brownsville was an accident rather than anything else. That is, they did not intend to shoot at that particular man because they knew him specifically, I imagine. They shot at the chief of police because he was approaching, and probably he might discover somebody. They killed his horse and tried to kill him. The barkeeper was shot down, I presume, because at that bar the negroes had been denied the privilege of drinking with white men at the same time and place. That is also denied them in Washington. Negroes are not allowed to drink at all the bars in Washington, and you all know it.

I tried to show what would have been the proper action of the War Department in defending their man or their men in Athens. If they had gone about it openly, if they had not first got the State's case and then gone to the witnesses in the jail who had turned State's evidence and tried to persuade them not to testify, if they had not acted in a rather underhand and unprofessional, dishonorable way, it would have been perfectly legitimate for the War Department to furnish legal help to see that their soldiers were properly cared for in court. But I do not understand the kind of reasoning which makes it right for the Secretary of War to help white troops who are in trouble and then convict negro troops who are in trouble of a crime which is not in the war regulations—this conspiracy of silence.

Of course I think it would have been better all around, for the negroes especially, if the men who are really guilty at Brownsville could have been discovered and punished by the civil authorities or the military authorities; it would not matter which, just so they were punished adequately. I believe it will be a great misfortune to the negro race that that has been rendered impossible by the action of the War Department and the President himself, because this Brownsville incident is not going to drop out of sight. It is too important a phase of the race question in general to be allowed to disappear from public view.

Here is another illustration of the trend of thought and feeling on the subject, copied from the Army and Navy Journal. I will have this printed. I will not undertake to read it. One article is the "Color line in the Army," in which an officer whose name is not signed discusses the wisdom of retaining in the Army the two regiments of colored infantry and the two regiments of colored cavalry provided for by law. I have been informed—and somebody will probably enlighten me specifically—that five years ago the then civil governor of the Philippines, who I believe is the present Secretary of War—certainly if not he, his predecessor—urged the War Department to remove the negro troops from the Philippines for reasons, I suppose, satisfactory to himself. I should like to get the letter. Perhaps some Senator may be able to look it up before the debate is over and get all the sides of this proposition, certainly in view of the fact that the War Department has now ordered all these negro men back to the Philippines.

But what I was bringing out more particularly is the account of the murder of Lieutenant Calvert in the Philippines a short while ago by Sergeant Taylor of his company. They belonged to the Ninth Cavalry, a negro regiment, and Calvert was murdered in cold blood in his tent by this negro sergeant under circumstances of brutality and savagery that must make men pause and think.

Also, the newspapers have been full in the last two weeks of statements to the effect that a conspiracy entered into by their negro troops had been discovered to murder the officers of the other companies of the Twenty-fifth Regiment. I do not know whether this is a part of the press-agency arrangement by which the President's drastic action in regard to the Twenty-fifth Infantry will be bolstered up by exciting public opinion against the negro race generally. I have no such desire or purpose. I am charged with it. I am charged with being a firebrand, of going up and down the country delivering lectures which are productive of race hatred and all that sort of thing. I say I want this letter published in the Army and Navy Journal put into the RECORD and let the people see just how Lieutenant Calvert was butchered by this faithful negro sergeant of his.

The matter referred to is as follows:

COLOR LINE IN THE ARMY.

In an article in the North American Review entitled "The Color Line in the Army," Capt. Matthew F. Steele, United States Army, presents a very interesting and forcible argument in favor of the repeal of sections 1104 and 1108, Revised Statutes, providing for the enlistment of two cavalry and two infantry regiments composed of colored men. He considers this law the equivalent of the Jim Crow laws of the South, and says that "no more exclusive law can be found in the codes of Alabama and Mississippi. It is out of date, contrary to the spirit of the fourteenth and fifteenth amendments to the Constitution and to the good sense of the twentieth century." Recruiting officers should, he holds, enlist the best men to be had, without distinction of color,

and each man should be assigned to a regiment according to his choice and the best interests of the military service.

The law is a recognition by act of Congress of the national prejudice against the negro soldier. Within the Army itself there is no prejudice against the colored regiments, and the fine work they have done is appreciated. If officers do not desire assignments to a colored regiment, it is because of the civilian prejudice, which is national and not local. There is to-day a larger proportion of officers in the colored regiments from the South than from any other equal section of the country. Shipp and Smith, who laid down their lives heroically leading their colored troops at San Juan, were both southerners. Captain Steele says:

"There is a cavalry post in Vermont, but no colored troop has ever been, or is likely ever to be, stationed there. The people of Vermont do not want them. New Englanders have always peculiarly loved the negro, but they do not love him in their midst; they prefer him away in Georgia or Louisiana, whither they can send him their sympathy by mail. A few years ago a fine troop of the Ninth Cavalry was stationed at Fort Myer, across the way from the national capital, as a reward for specially good service in an Indian campaign. Never a word of complaint was made against the behavior of this troop, yet it is well known that never again will a colored troop be ordered to that post for station. The people of Washington do not want them. It is a notorious fact in the Army that the political clique which holds the Yellowstone Park, the great national pleasure ground, in the hollow of its fist will never allow colored troops to be stationed in the park. They are afraid that their patrons, the American travelers, will resent being held to the regulations of the park by negro troopers."

"Since the disturbance at Brownsville the broad State of Texas is no doubt closed forever against the negro regiments. When orders were issued a couple of years ago, sending a squadron of colored cavalry to Fort Leavenworth, Kans., letters of protest are reported to have been sent to the War Department by prominent persons of the adjacent town of Leavenworth. It has been proclaimed by the public press that negro troops must not be placed at the garrisons in the Southern States, and the Department has never yet ventured to station them in any of the Eastern or Middle-Western States. The national prejudice has followed the flag across the Pacific Ocean. Five years ago the colored regiments on duty in the Philippines were returned to the States at the demand of the civil governor of the islands."

MURDER OF LIEUTENANT CALVERT.

We are indebted to an officer of the Army for a copy of a private letter giving an account of the shooting of Lieut. Edward Calvert, Ninth Cavalry, by Sergeant Taylor. It is as follows:

"Sergeant Taylor, who was the company quartermaster-sergeant of Company M, Twenty-fourth Infantry, seems to have been giving Mr. Calvert a great deal of trouble ever since we have been over here, as he has been drinking 'bino,' and seems to have gone all to pieces. Ordinarily he was a quiet, well-behaved soldier, with almost twenty-three years' service to his credit, has several excellent discharges, and was one of Captain Cabaniss's trusted noncommissioned officers. But the conditions over here seem to turn things upside down, and the one you least expect to do so goes wrong."

"Mr. Calvert, in command of Company M, was stationed at Albuerca, a little barrio about 9 miles from Ormoc. He was the only officer with the company, as Mr. Fulton had dislocated his shoulder and had been at Camp Downes, Ormoc, for some time. It seems that Sergeant Taylor had been giving a great deal of trouble, and Mr. Calvert had thought he would have to 'break' (reduce) him. On this Tuesday morning Mr. Calvert was heard to tell Sergeant Taylor to go up to his (Mr. C's) shack and wait for him there, as he wished to speak to him, and Taylor replied, 'You go first.' Of course Mr. Calvert ordered him to obey, and he did so. A little later on Mr. Calvert went into his shack, and what occurred inside no one will probably ever know, as there were no witnesses present except a Filipino boy, who could understand no English, and who jumped out of the window at the first shot."

"But there was evidently quite an argument or altercation of some kind, and a trumpeter who was at the back of the house working heard Mr. Calvert say: 'Sergeant, I am fast losing all patience with you,' and Taylor replied: 'I am losing patience with you, too,' and then the firing commenced. He (Taylor) shot him twice while they were in the room, one shot entering his right shoulder and the other his groin. Neither of these wounds would have been mortal, the doctors say, but after being hit twice, Mr. Calvert started for the door, calling for a hospital corps man who was outside. Taylor shot him twice in the back as he was making for the door and, as he fell down the steps at the front of the shack fired a fifth shot, which entered his mouth and blew off the top of his head, remarking:

"Neither Cameron (the hospital corps man) nor anybody else will do you any good now."

"The other noncommissioned officers at once put him under arrest and placed a guard over Mr. Calvert's body and sent word at once to Camp Downes, and when Mr. Fulton got there he said the entire company seemed to feel terribly grieved and that many of the men were in tears. They (Company M) wrote a letter of condolence to Mrs. Jackson (Mr. Calvert's mother), doing this of their own accord."

"It is said Taylor does not seem to feel any remorse for his deed, and made the remark: 'The lieutenant was game until after I fired the second shot.'"

"His plea is going to be that of self-defense, as he claims that Mr. Calvert drew his revolver on him first; but this is not believed, and even if true would not justify the last three shots, which were fired as Mr. Calvert was trying to get away."

"It certainly is one of the most terrible things I have ever known; but it is just another one, though, of the many prices the United States is paying for these miserable islands."

"Later.—We heard yesterday that the court-martial at Iloilo had sentenced Taylor, Mr. Calvert's murderer, to be hanged, but that the civil authorities had issued a writ of habeas corpus, claiming that it was in time of peace and that a court-martial had no jurisdiction."

"They may call it 'peace' if they want to, but when there are parts of three regiments—Eighth, Thirteenth, and Twenty-fourth Infantry—in the field, besides all the scouts and constabulary they could get on the island, gunboats patrolling the coasts, and men being killed like Lieutenant James, Doctor Snyder, Mr. Williams, and the four enlisted men of the Eighth, to say nothing of the engagements that were fought, I have another name for it."

Mr. TILLMAN. Now I come to the question of mob violence in Texas. The War Department in its dispatches showed great interest and earnestness and dread lest if the men under accusation were surrendered they could not be defended, and, as I

say, they were sneaked out of Brownsville because of the dread that if it were known that they were being carried away somebody somewhere might meet the train and have a lynching. I want to ask anybody here whether, if these had been white soldiers, there would have been a word said about mob violence? Everybody knows there would not have been. The men under suspicion would have been surrendered to the civil authorities, as the law requires. The War Department might have sent the Judge-Advocate-General to defend them, as it had a right to do. The matter would have been tested in the courts, the guilt or the innocence of the men under accusation would have been established, and the thing would have been settled in a proper way.

But, Mr. President, while it has been said by the President himself that this action of his was not influenced by race at all, that the race question is not involved, that there is no relationship between the color of the men and the official action taken by the War Department and the Executive, it appears to me to be idle to deny it. Senators have deprecated the entry into this discussion of the race question in general. The Senator from Ohio [Mr. FORAKER] says he does not want to discuss that question. The Senator from Virginia [Mr. DANIEL] is equally earnest in the desire that it shall not be injected here or elsewhere. But what is the use for us to ignore a plain and palpable fact? If the race question looms up here as prominently as the Washington Monument looms across the western horizon, what is the use for us to shun and to dread its discussion? While I was not in the Chamber, accidentally being out, it warmed the cockles of my heart to read in the RECORD the story of how this Chamber, by unanimous vote, put its opinion in the law that the great war of 1861-1865 was not a war of rebellion, but a war between the States—a civil war.

I claim the right to say that I know as much about northern public opinion at this time on the race question as any man in this Chamber. In the last four months I have addressed not less than 100,000 people in picked audiences throughout the North, mainly on this question. I find there, wherever I have gone, the same sentiment of lack of sectionalism and of animosity to each other that was shown here yesterday. The people of the North no longer hate the South, and the people of the South have forgiven the North for the wrongs and injuries. [Laughter.] Oh, well, Senators laugh. I will illustrate it. I was speaking about the terrible sacrifice that the race problem had cost this country—500,000 lives, billions of treasure—no one knows how many—six or eight; the tears and blood that we offered up on the altar of patriotism in 1861-1865 to settle the race question. Some man spoke up and said, "There was not any bloodshed north of Mason and Dixon's line." I said: "No; and if the people north of Mason and Dixon's line had stayed at home, there would not have been any bloodshed at all." I am not going into the merits of that proposition. I am not going to harass the souls of people here by saying that the people of the North had no right to go South. I ask you to agree that the southern soldiers fought for what they believed to be right, and showed it by dying for it. That is all I ask.

But that sacrifice to settle the race question, so far from having been effective, is acknowledged to have been absolutely wasted and worthless. We settled slavery and we settled the question of nationality. We destroyed one, and we settled forever the proposition as to whether we were a confederation or a nation. We are a nation with a big N. But the southern half of this country has no conception of the word "nation" except that it is connected with the word "nigger." More's the pity!

When I want to be entirely respectful and conservative, I sometimes write a few words to read, and in all seriousness, with all the solemnity of which I am capable, I wish to address myself very briefly to the race problem in general.

I do not understand the tactics of those who do not wish the race question discussed and I have no patience with such short-sighted and cowardly action. There is really nothing else involved except the race question, and the difficulties and dangers which environ it should make us the more anxious to begin to consider it calmly and dispassionately before other and more dire calamities come to us from it. Broadly stated, the white people of the United States are face to face with the vital issue as to whether the Caucasian race shall share its inheritance with the other races of the earth. In Cuba the question presses for solution and immediate action. Shall that island be governed by negroes or white men? Shall it be doomed to the fate of Santo Domingo or shall it be saved for the white man? The question of a protectorate or annexation and of the future status of the people there must be determined in the near future.

Now, I can elaborate this a little by pointing you to the fact that but for the existence in Cuba of the large negro population—which demands absolute equality in government, with the right to elect a majority of that Government, if it is able to do so, and have that Government run by negroes—there would have been no insurrection. I do not hesitate to declare my belief that that insurrection was manufactured in New York and the arms furnished and the money to finance it, the negroes encouraged to rebel or to rise against Palma's Government and produce a condition which made him plead to the United States, "Come and save us." So the Secretary of War was sent there, our ships were hurried to Habana, the Secretary giving place to Mr. Magoon, who is now there in control.

I saw in the newspapers in the last week, in the Star and the New York Herald, statements which indicate that the sugar planters intend to blow up the railroads of the English company before they will allow the negroes to govern there, in order to compel the United States Government to assume a protectorate or annex the island, one or the other. When you search for the motive you are compelled to agree that the whole scheme is one to bring the sugar plantations owned by New York and English capitalists within the tariff wall of the United States Government, so that they can sell their sugar in our markets without paying the tariff duty. That is only one phase and a very small phase of the race question.

On the Pacific coast the relationship between the Mongolians and the Caucasians is involved. The President announces himself as favoring the policy of absolute obliteration of the race line, the granting of full citizenship to the Japanese. The Americans of the Pacific coast, as I understand it, are bitterly opposed to this policy, and without regard to party lines. These Americans ought to know what is for their best interest, and they ought to and undoubtedly will have the sympathy and aid of their fellow-citizens North and South in protecting their interests. But these two phases of the race problem sink into insignificance alongside of the greater and more vital question of the relationship of the races in the Southern States of this Union.

Now, here is a startling fact, and on facts like this I plant my feet and ask any and everybody to argue from the fact.

In six Southern States—South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana—in the aggregate the negroes outnumber the whites and in two of them—South Carolina and Mississippi—the negro preponderance is very heavy. Here are the figures from the census of 1900:

State.	White.	Negro.
South Carolina.....	557,995	782,321
Georgia.....	1,181,518	1,034,813
Alabama.....	1,001,390	827,307
Florida.....	297,812	230,730
Mississippi.....	643,640	907,630
Louisiana.....	730,821	650,804
Total.....	4,413,176	4,433,605

In two of those States—South Carolina and Mississippi—that compact group, with an area larger than France and capable of supporting a population as large as that of France, the negroes outnumber the whites. In our State there are 225,000 more negroes than whites, and in Mississippi two hundred and sixty-odd thousand more negroes than whites.

Under the law—the fourteenth and fifteenth amendments—these people possess every right that white men have, as far as the Federal Constitution confers rights, and the fifteenth amendment expressly forbids the enactment of any law which shall discriminate in voting on account of race or color. Large numbers of these negroes are disfranchised at this time, but these laws are only temporary and work no cure; they are only palliatives and offer us only a breathing spell, and in the near future enough negroes will be able to vote, under laws which we ourselves have passed, and we have exhausted all expedients, to outvote us. Can anybody undertake to say that there will not then come a struggle for mastery between the two races.

In Cuba the color line has been obliterated and miscegenation is in full blast. At the North the same conditions exist, and the large number of mulattoes and quadroons with white blood in their veins who have migrated there are the leaders of the doctrine of absolute social equality, encouraged as they have been and are now by the President of the United States. Take this from his message on the Brownsville affair:

It is of the utmost importance to all of our people that we shall deal with each man on his merit as a man, and not deal with him merely as a member of a given race; that we shall judge each man by his conduct and not his color.

And again:

Every farsighted friend of the colored race in its efforts to strive onward and upward, should teach first, as the most important lesson, alike to the white man and the black, the duty of treating the individual man strictly on his worth as he shows it.

Consider the full import and meaning of these words and then consider whether or not they are sincere and honest or whether in the fervor of a fight to justify an unwarranted usurpation of power and exercise of executive authority the President forgot himself and said more than he intended or means. To illustrate, is it possible or desirable that all consideration of race and color shall be dismissed from our minds and not govern our action; that radical instincts implanted in us by nature are to be ignored and all men of all races to be judged and treated on the basis of "individual merit"? Are men to be made over and the caste feeling and race antagonisms of centuries to disappear in the universal brotherhood of man? Are there any Senators in this Chamber who subscribe to this doctrine who would have the Caucasian, highest and noblest of the five races as is attested by history, descend to the level of the others and share his birthright with them with the inevitable result that pure white blood will disappear from the face of the earth, and after the mixing of centuries shall have completed the amalgamation, have all men of one skin and one type? Is President Roosevelt ready to act up to his own theory and have his children marry men and women of the other races? Would he accept as a daughter-in-law a Chinese, a Malay, an Indian, or a negro in accord with the doctrine laid down in his message which I have quoted? We all know he would not, and while "fine words butter no parsnips" words like these are a source of incalculable evil.

I have pointed out to you that his utterances in the official order No. 26 and in his letter to Admiral Rogers had induced the negroes to believe that they had a right to demand and to assert the right of absolute equality.

The southern white men and women who have for forty years resisted in every possible way this doctrine of the equality of the races are just as resolved now as they have always been not to submit to it or its results. They are resolved to maintain control of their State governments and to prevent in every way possible social and political equality, with the inevitable destruction of their civilization which would follow if they yielded. The conditions are growing more and more aggravated every day. Race antagonism increases in intensity. Are things to drift until direful tragedies multiply on every hand and blood shall flow like water? Is the statesmanship of our time inadequate to cope with this question, just as the statesmanship of 1860 failed to prevent the dire catastrophe of civil war? That war was fought to settle the race question, but forty years after its termination we find conditions more threatening in some of their aspects than they were in 1861.

It is not possible for me to believe that the theorists and sentimentalists at the North, who are responsible for the conditions existing, will be allowed to pursue their policy of absolute recognition of race equality much further. They settled the war entirely contrary to common sense, I may say—I mean the result of the war. They went to war to destroy slavery and to restore the Union. If they had stopped there, we would have none of this trouble on our hands now. This question would have been allowed to evolve naturally, and we would have been permitted to give to those negroes who may have shown themselves qualified and proper to hold the ballot the right to vote. But we have made this mistake of enfranchising a race, slaves last week, barbarians three generations ago. If it was a mistake, why not say so? And why not retrace our steps?

I do not believe that the northern people want to settle this question in any other way than will be best for the interests of the white people of the Pacific coast and of the Southern States, if they only knew how to go about it. I give the people of the North credit for being just as good and noble-hearted and generous in their wishes to do justice as I claim for ourselves. It is not a local question, nor is it a sectional question, except in so far as there are more negroes in the South than there are in the North. We are face to face with the negro. You have got a few thousand. My county has got more than all New England.

I plead with Senators here not to ignore the gravity of the situation, not to allow things to go on as they are going on now, involving a struggle for mastery between the races in the South, coupled with the direful tragedies that will come, because the white people are resolved to maintain their civilization and protect their women. It is a serious obligation of duty, and if I do nothing else in this debate than to have the subject presented broadly from the standpoint of patriotism and of statesmanship by somebody else, I will welcome the opportunity to give some more facts when the time comes. This Brownsville incident would never have attracted a thousandth part of the interest it

has but for the fact that this great underlying question is involved in it.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN. I was about through, but I will yield to the Senator for a question.

Mr. BEVERIDGE. I was merely going to ask a question which is pertinent, I think. The Senator has spoken with a great deal of vigor on the race question. Could the Senator suggest to the Senate what the solution of the race question is? What is he going to do about it?

Mr. TILLMAN. Well, that would involve another couple of hours, and I have already trespassed long enough on the attention of the Senate to-day. I hope the Senator from Indiana, who is himself a brilliant statesman, will be able to give us some suggestion as to what we ought to do about it. I merely point out a great and a tragic situation.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from Indiana?

Mr. TILLMAN. With pleasure.

Mr. BEVERIDGE. The Senator has taken two hours in stating the existence of a condition to which he says he has given very great study, and I know that is true, and he has referred to the question of statesmanship. I am satisfied that I voice the opinion of my colleagues here when I say that the Senate would be delighted to give him two hours more if he will now state the remedy which in all his study has suggested itself to him.

Mr. TILLMAN. I will do that later in the debate, perhaps. Just at this time, fatigued as I am and having just gotten up out of a sick bed, I shall not undertake to go into any further discussion of this question. I merely have tried, in my feeble and humble way, to point out that we in the South are on the crest of a volcano. We are environed with dangers of which the people of the North have no conception, and we realize the fearful tragedies that are near in front of us unless something can be done to ameliorate conditions. That is all. We are not responsible for the situation. We can not change the condition. The discussion, or rather the action, must come from those who precipitated this condition, who are responsible for it now, and who will be responsible for its continuous existence. I am ready to contribute in my humble way, both with facts and arguments, when the time comes.

It is high time something was being done to have this great and vital question brought before the country in some practical and sensible way. The deep interest shown in the Brownsville tragedy is ample evidence that the people of the country are beginning to feel a deep concern in the various phases of this question, and it is absolutely useless for doctrinaires and politicians to undertake to pooh pooh the question and dismiss it with a wave of the hand, and for one I am ready to go to battle under the slogan, "America for the Americans, and this is a white man's country and white men must govern it."

I beg the Senate's pardon for having trespassed this long. I have no idea that I have converted anybody to my belief in regard to the Brownsville business. I still stand by the fundamental doctrine that the innocent ought not to be punished because there were some guilty, and I think the President has made some very grave blunders in dealing with this subject.

Mr. PATTERSON. Mr. President, I understand it is the desire of those who are in charge of the resolution that is under discussion to have it brought to a vote on Monday. As the result of the speech of the Senator from South Carolina I feel that I should not allow the discussion to close without saying something upon the subject.

Mr. CULLOM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. PATTERSON. Certainly.

Mr. CULLOM. I simply wish to state that the Senator from Florida [Mr. MALLORY] told me a while ago that he would like to have an opportunity of speaking this afternoon for some thirty or forty minutes. I told him that so far as the appropriation bill was concerned I would consent that that might be done, if the will of the Senate was such. He is present and ready to take the floor, I understand, for the purpose of making the speech he desires to make and of which he had given me notice that he would like to make this afternoon.

Mr. MALLORY. I am much obliged to the Senator from Illinois, but if the Senator from Colorado desires to proceed I do not wish to interfere with him.

Mr. PATTERSON. Now that I am up, I would prefer to proceed rather than to allow the matter to go over until Monday.

The VICE-PRESIDENT. The Senator from Colorado is entitled to the floor.

Mr. PATTERSON. Mr. President, so far as the legal questions involved in this controversy are concerned, I will not undertake to discuss them. I am convinced that, as a legal proposition, measured by the rules and Articles of War, the President had the right to order the discharge of the battalion of the Twenty-fifth Infantry as he did. Whether it was wise for him to take that action is another question; and when the argument made by the Senator from Ohio [Mr. FORAKER] is placed side by side with the arguments made by the Senator from Virginia [Mr. DANIEL] and others on that side of the question, the wisdom of his action must be determined by each one for himself.

I have no doubt that the President in making the order of discharge was moved by the highest and most patriotic motives. Whatever may be said on the subject of race prejudice and about race prejudice being at the bottom of the Brownsville incident, surely the Senator from South Carolina [Mr. TILLMAN] will not maintain that the action of the President in discharging the battalion was the result of race prejudice. It is not so very long ago that the President was subjected to considerable censure, I think, from the same Senator and from those who think with him because a colored man—perhaps the highest and best type of colored man in the United States—lunched with the President at the White House. If race prejudice did not direct the action of the President, then I think we should all conclude that his purpose was a perfectly proper one; that it was to enforce discipline in the Army, and, as far as it was possible for him, to prevent a recurrence of like tragedies with that of Brownsville in the future.

That is all, Mr. President, I desire to say about the Brownsville tragedy. I do, however, wish to take issue with the Senator from South Carolina as to many of his utterances that related to the negro and involved the race question. I will do so because I am a Democrat, and as a Democrat by my silence I do not want to be held responsible for what he has said upon this subject, or that it may be supposed at home that I am in sympathy with his views.

Mr. President, when the next Congress convenes there will be just two Democratic Senators from the North in this great body. In the present Congress there are but four Democratic Senators from the North, and unless there is a change between now and two years hence, when new Senators will be elected, I fear that this Chamber will be divided solidly Republican from the North and solidly Democratic from the South. Whether it may be the fault of parties or platforms or issues, this country, politically speaking and judging from elections and the political complexion of this body, is intensely sectional; and I am willing to submit to the country whether speeches such as the one just closed by the Senator from South Carolina [Mr. TILLMAN] are calculated to soften the asperities that lead to sectionalism or to give a more patriotic division of political power between the States of the Union.

The North can lay no particular claim to a desire for justice for the negro—no more than the South. I recall very well when in many of the northern legislatures there were negro members. I recall very well when a Republican President did not hesitate to appoint worthy and capable negroes to high offices. I recall very well when it was the fond hope of the people of this country, with apparently ample grounds upon which to expect the realization of the hope, that the race issue would in time disappear, and that the time would come when manhood and worth, education and intelligence would settle every dispute and when color would prove no substantial bar to equality in all things before the law.

But, Mr. President, as time has gone on race prejudices, so graphically described by the Senator from South Carolina, have developed in the North about as rapidly as they have in the South, the only difference being in the intensity of the prejudices. Where is there a Northern State now that contains a colored member of the legislature? Where is there a Northern State in which a negro is elected to an office of responsibility? In which Northern State does the appointing power select negroes of education and moral worth and ability to fill positions of importance?

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. With pleasure.

Mr. GALLINGER. The Senator probably has overlooked the fact that not long ago a negro of education and worth was appointed to a judicial position in Massachusetts, and is filling it now.

Mr. PATTERSON. I am glad to hear from the Senator from New Hampshire of an exception. But even that exception is

not in his own State. What has the Senator got to say about his own State?

Mr. GALLINGER. Well, Mr. President—

Mr. PATTERSON. It may have been done in Massachusetts, and here and there may be isolated exceptions. I am stating the all but universal rule, and if the Senator from New Hampshire can state an exception, it will but enforce the rule I have suggested.

Mr. GALLINGER. If the Senator will permit me, he called for a case and I gave him a case. I thought the Senator would be glad to know that fact, because he wanted to be accurate. As far as New Hampshire is concerned, we have very few colored men in our State, and I do not recall an instance where one has even ever asked to be elected or appointed to an office.

Mr. PATTERSON. It may be, Mr. President, that the negroes of New Hampshire are more modest and less ambitious than the negroes of other States, but I have no doubt but that in his State there are educated negroes and able negroes and honest negroes, who, so far as the work of high executive offices is concerned, would be able to do it with satisfaction to the Commonwealth; and many of these negroes would be glad to fill these offices, but the race feeling that I have no doubt exists in New Hampshire, as elsewhere, prevents them from doing so.

We find in the North, Mr. President, that in nearly every detail of business matters the negro is deprived of every position of responsibility. They are not even permitted to drive street cars or to collect the fares. In many of the Northern States the negro is not even permitted to be a member of a labor union. The services that he performs are now menial in character or almost wholly personal. Under these conditions it may not seem in good form for men of the North to decry to any very great extent the attitude of such as the Senator from South Carolina.

But, Mr. President, that does not meet the proposition. There are 10,000,000, or thereabouts, of negroes in the United States to-day. By a constitutional amendment, adopted at the close of the war, those negroes had conferred upon them—it might be said, had forced upon them—the rights of citizenship. The States were prohibited from depriving them of the right to vote by reason of their color or former condition. Under the fourteenth amendment the blacks had conferred upon them the right to vote, with only such exceptions or limitations as applied to white men. This legislation has led to an intensity of feeling against the black man in a number of the Southern States and accounts in a measure for the attitude of the Senator from South Carolina upon the race question. The Senator insists that there is but one remedy for the evils he claims the fourteenth amendment has inflicted upon the South, which is the repeal of that amendment and the deprivation of the black man of the right to vote. The appeals the Senator has made is against not only social equality, but also against political equality between the whites and the blacks.

If the Senator from South Carolina was the only distinguished southern man who has entered upon a crusade to secure this result, perhaps I might not notice it, for the Senator is in many respects sui generis, and is quite willing to admit that such is the case; but Governor Vardaman, of Mississippi, and Hoke Smith, of Georgia, soon to be governor of Georgia, if not already the chief executive of that State, have made the same declarations, and there is rapidly being organized in the South a movement to demand that the North unite with the South in the repeal of the fourteenth amendment and the practical return of the negroes of the country to a condition of peonage. Whatever the attitude of the men and women of the North—

Mr. TILLMAN. Mr. President, will the Senator from Colorado allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. With pleasure.

Mr. TILLMAN. Has the Senator from Colorado ever visited the black belt of Alabama or South Carolina or Mississippi?

Mr. PATTERSON. I never have.

Mr. TILLMAN. Well, then, would not the Senator be apt to learn something if he would go down there and study this question at close quarters, rather than theorizing about it up in Colorado, where they have only about 2,000 negroes all told?

Mr. PATTERSON. I have no question but it would be better to have visited that section.

Mr. TILLMAN. I do not undertake to advise the Senator; but before he commits himself too far to the doctrine of absolute equality of man, the inevitable result, he had better study the question a little.

Mr. PATTERSON. Mr. President, forty-odd years have elapsed since the close of the civil war. The question of the negro

has been one that has entered into the social, political, and public life of the American people, and the man who has not investigated, so that he may think and talk intelligently about it without visiting the black belt, has lived to little purpose and has poorly observed the duties that devolve upon him as a citizen. I am well aware that in the belt of States commencing at Texas and ending with North Carolina the white and the negro populations are almost equal, the population in that tier of States amounting to somewhere in the neighborhood of 6,000,000 whites and 6,000,000 blacks.

Mr. TILLMAN. About four million.

Mr. PATTERSON. No; considerably larger than that. I am also aware that in some of the States—one or two of them—the black population will double the white population, and I am not entirely lost to a proper conception of the terrible problem that has been devolved upon the people of the South growing out of the war and the granting of the ballot to the negroes of the country.

But, Mr. President, the blacks and the whites must live together. It is idle to talk of the separation of the races. They can not be winnowed out and set apart in different sections of the country, nor can the negro be deported to any other country. The Senator from South Carolina would be the first and most vehement against any proposition to take the negroes from the South or from the State of South Carolina.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. With pleasure.

Mr. TILLMAN. I would be a very strong opponent of that doctrine, because it would be the most cruel of all the remedies that have ever been suggested or proposed by anybody at any time or anywhere. That is all. I would to God none of them had ever come; I would to God they were away from there; but I would not undertake to send them away by expatriation or colonization, because it would simply mean their destruction; and I do not want to destroy them.

Mr. PATTERSON. I will not impugn the morality of the motives that would induce the Senator from South Carolina to oppose the deportation of negroes from his State; but I am inclined to believe that there is an additional reason, and a stronger one, a reason that is more controlling than a mere sentiment of humanity—that reason is self-preservation; for the labor of the negro is absolutely necessary to the prosperity of the Senator's State and to that of every other Southern State.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly, I do not object, Mr. President.

Mr. TILLMAN. I am sorry the Senator can not give me the credit for a disinterested and honest statement, but would impugn the integrity of my utterance and charge directly or indirectly that selfishness would govern me in objecting to that. Has the Senator ever read the record as set forth in Buckle's History of Civilization in England of the deportation of the million and a half of Moors after their conquest of Granada by Ferdinand and Isabella? If he has not, I advise him to get that book and read the horrors which would result from the deportation element alone, to say nothing of the indirect trouble and the loss to the country from which deportation occurs, to convince him that the cruelty of the thing is alone, so far as I am concerned, the reason why I should object.

Mr. PATTERSON. Mr. President, I have read Buckle, not once, but three times, and I am quite familiar with the recital to which the Senator refers.

But in this connection let me say, Mr. President, that I did not intend to in any wise reflect upon the Senator's own statement of the motives that would influence him to place obstacles in the way of the migration of southern negroes from South Carolina, but I do say that, in addition to the reason he states, the motive of self-preservation would be equally controlling—South Carolina could not afford to lose the negro, for the negro must be there to do the labor of that State.

Mr. TILLMAN. Mr. President, if the Senator will permit me—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. The Senator from South Carolina is fully aware of the great loss in a financial way, the destruction of values, the derangement of labor, and the financial panic that would come, not only to South Carolina, but to the United States and to Christendom, if the negroes were colonized away from the South; but I want the Senator to understand that the question of colonization would, of course, excite opposition in

South Carolina, because we have some selfish and greedy men down there who want to hold on to the negroes as laborers, as worthless as they are becoming, and we have got lots of them; but I hope the Senator will not put me in that lot.

Mr. PATTERSON. I will not follow that phase of the subject, Mr. President, any further. I will allow my statement and the statement of the Senator from South Carolina to stand, confident that there is no substantial conflict or dispute between us. I have no doubt but that the heart of the Senator from South Carolina would go out to the negroes in the suffering they would necessarily be compelled to endure if they were forcibly taken from the country that is their home; nor have I any doubt either, Mr. President, that the Senator from South Carolina, even if the matter of the suffering of the negro was not involved, would stand like a wall of adamant against any movement to take from the State of South Carolina the labor upon which its prosperity depends.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. We are simply discussing an academic proposition with no possibility of it ever being tested; therefore my statement of my opinion and my wishes and the Senator's interpretation of them, as he puts an interpretation upon them, is of no practical use. But I do not hesitate to tell the Senator that under the conditions which exist in South Carolina to-day, with a negro majority of 225,000 in the State, those conditions in the near future will be appalling, and that unless something is done to undo the mistakes of the past, unless there is some method of easement, some scheme by which those people can be distributed somewhere, the struggle between the races is inevitable; and when the two races get at each other's throats those who stand up and theorize about it in Colorado will not be the ones to participate in the throat cutting or in having their throats cut, as we will.

Mr. PATTERSON. Mr. President, if it were a certainty that this conflict will come, and must come soon, granting that if it should come I would not be there to be a party to it, it does not make it any less the duty of those of us who live in the North and are of the same political affiliations as the Senator from South Carolina to meet the question, and discuss it in advance, and even to take issue with the Senator from South Carolina upon the methods that should be adopted to avert the dire calamities that he predicts.

Mr. TILLMAN. Mr. President—

Mr. PATTERSON. Now, Mr. President, I submit that when the remarks of the Senator from South Carolina and mine appear in the Record, unless some stop is put to the interruptions by the Senator, more space will be taken up with his remarks than with mine.

Mr. TILLMAN. I beg the Senator's pardon and will not interrupt him again. He mentioned the Senator from South Carolina in nearly every other sentence and in some respects has misunderstood him and in others appears to go on to misrepresent him. Therefore, the Senator from South Carolina was compelled—

Mr. PATTERSON. Oh, if the Senator from South Carolina is of the opinion either that I have misunderstood him or misrepresented him I will cheerfully give him opportunity for interruption for the purpose of correction.

Mr. TILLMAN. That is all I have been trying to do—to make myself understood. The Senator appears to think or to fear that he alone is responsible for the Democratic party, and that there are only two Senators, or will only be two Senators who are Democrats in this Chamber after the 4th of March, and that two years from now, if the Senator from South Carolina should make a few more speeches, there would be none. If there should never be another Democrat elected to the Senate from South Carolina the people of the South will stand by white supremacy, and be Democrats in consequence. [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. The Chair will call attention to the rules of the Senate, which forbid applause in the galleries.

Mr. PATTERSON. Mr. President, no one doubts the truth of what the Senator says as to his own attitude, but I think I may, with propriety, suggest that nothing that I have said or suggested leaves me open to the imputation of claiming that I am the only Democrat and that when this or the next term expires they will all be out of the Senate. But I have a right, Mr. President, to speak in behalf of the several million of men who do not live in the South and who belong to the same political party with both of us, to express their views, if I can, upon this great issue, and not allow it to go abroad by the silence of Democratic Senators that every Democratic Senator stands with the Senator from

South Carolina for the disfranchisement of the negro; and, as I suggested a little while ago, for practically returning him to a state of peonage.

Mr. President, in the early days after the rebellion there were terrible times in the Southern States, and the Senator from South Carolina has enlightened the country, through his office of Senator, as to the part he was willing to play in the acts that he approved. There were White Caps and Ku Klux, and there were tissue ballots; there were other methods for suppressing the vote of the negro in the South. I need not say, Mr. President, that, in my opinion, millions of the best people in the South reprobated that method of securing the supremacy of the whites and procured its abandonment and undertook to accomplish the same thing through the agency of the law.

Southern States, one after the other, called constitutional conventions, and for the purpose of eliminating a great proportion of the negro vote have incorporated voting qualifications in their constitutions that, in my opinion, were at the time, and will continue to be for many years, quite ample to leave the whites of the South in unqualified political control. And I want to say, Mr. President, that so long as the southern people contented themselves with maintaining political supremacy through the agency of constitutional and statutory provisions—enactments that bore equally upon the blacks and the whites—the people of the North were content to allow the South to work out this problem for itself.

Mr. TILLMAN. Mr. President, will the Senator permit me to say a word?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Yes, sir; with pleasure.

Mr. TILLMAN. The Senator has alluded to some of my own utterances in this Chamber. I have nothing to say by way of apology for anything that I have ever said here, but I want to remind the Senator of one fact, that we had in South Carolina in 1870 35,000 more negro voters than we had white men; and we could no more have beaten them lawfully and legally under the fourteenth and fifteenth amendments to the Constitution, which have been thrust down our throats at the point of the bayonet, than we could have flown. We would never have had the opportunity to make amendments to our constitution, which would give control to the whites legally, if we had not taken it away from the negroes. The Senator would have us to lift ourselves over the fence by our boot straps. We were not able to do it; and so we got over in any way we could.

Mr. SPOONER. But you got over?

Mr. TILLMAN. Yes; we got over it for the time being.

Mr. PATTERSON. I contented myself with referring to the fact that the Senator upon several occasions, here and elsewhere, had in a boastful spirit told of lawless intimidation to overcome the blacks. I said I did not believe they were approved by the best people of the South. I merely referred to a historical fact that I might, in logical order, reach the point where the people of the South undertook by lawful methods, by constitutional provisions supplemented by statutory enactments, to give the whites supremacy in the South. Those enactments limit the voting franchise by educational and property qualifications and also by what the Senator, in a recent speech in Maryland, referred to as the "understanding" clause of the constitutions. When we recall the degree of ignorance that prevails among the blacks in the South, their lack of education, the intense poverty of most of them, we can well understand that with these new enactments providing educational, property-holding, and "understanding" qualifications, it must be for many and many and many a year that the whites of South Carolina will be in unquestioned and unchallenged control of their State.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. With pleasure.

Mr. TILLMAN. The suffrage clause of South Carolina adopted in 1895 provides that no man shall vote unless he can read and write a clause of the constitution, or its alternative, or pays taxes on \$300—that and nothing more. We did have the understanding clause for the purpose of enabling us to register our illiterate whites, believing that it was our duty to take care of our own race and color and kin. Under that registration we registered the whites and then quit; and we have nothing now but a simple educational and property qualification.

Mr. PATTERSON. Is the Senator through?

Mr. TILLMAN. I am simply showing the Senator the situation. I will say to him, in addition, though, that this same constitution provided for an increase of the free school tax from 2 mills to 3, and we have had any time in these thirty years more negro children going to school and learning to read

and write, and therefore qualifying themselves to vote, than we have had whites, because there are more of them. How long will it be before enough of them are able to read and write and vote to stand up and say to us, "We will have none of you; we will take the State." That is what I am trying to get the country and the Senate to understand. I will be a dead man when the struggle for the mastery comes; but I am giving you warning here, as it is my duty to do, that blood will flow like water in South Carolina before the negroes will ever be allowed to take possession of the State again.

Mr. PATTERSON. Mr. President, I attempted to show that the people of South Carolina—and I did so without heat or prejudice, for I assure the Senator my feelings are largely in sympathy with his upon the subject of negro supremacy in his or in any other State—but, Mr. President, when the best thought of the South, for the purpose of removing the odium associated with flagrant violations of the law, with personal violence of a desperate and degrading character upon the colored part of the population, caused their people to meet in constitutional conventions, and to adopt constitutional amendments that put every southern State under the complete control of the whites for many generations to come, it occurred to me that such great and distinguished leaders as the Senator from South Carolina, and the governors of Georgia and Mississippi, should engage their talents and influence in assuaging the animosities that grow out of race feeling and endeavor by other methods than such as arouse prejudice, to not only bring, but to maintain, peace between the two races in this country.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. PATTERSON. Certainly.

Mr. MONEY. Mr. President, I do not wish to interrupt the Senator from Colorado, except he has signified a willingness to be corrected when he made a mistake, and I give him credit for feeling what he says. I desire to state that when he says the governor of Mississippi is prepared and desires to do by violence anything to effect any purpose whatever, he has made a misstatement of the fact.

Mr. PATTERSON. If anything that I have said is open to that imputation—

Mr. MONEY. I am only using the Senator's language, as the notes of the stenographer will, I think, show.

Mr. PATTERSON. I think, Mr. President, that when the stenographer extends his notes it will not be found that I suggested that either the Senator from South Carolina or the governor of the State from which the Senator comes would undertake to accomplish or would advise at this time the use of violence for the purpose of maintaining the supremacy of the whites in his State.

Mr. MONEY. Mr. President, if I misunderstood the Senator, of course I will be glad to withdraw the language I have used; but, if he will pardon me, I should like to have the stenographer read the Senator's language to see if I so grossly misunderstood him.

Mr. PATTERSON. Mr. President, surely I did not intend to cast any imputation of that kind upon the governor of the State of Mississippi. If I did, it was by the inadvertent coupling of his name with that of the Senator from South Carolina.

The VICE-PRESIDENT. The Senator from Mississippi made a request that the Reporter read the remarks of the Senator from Colorado.

Mr. MONEY. I do not want to embarrass the Senator now in his speech, and I will withdraw that request, upon the assurance the Senator has just given.

Mr. PATTERSON. Because nothing that the governor of Mississippi has said justifies me or anybody else, so far as I know, in stating that he would advocate the use of violence for any purpose whatsoever.

Mr. President, what I want to make clear is this: That while the people of the country approve, at least by their silence, the efforts of the people of the South to secure and maintain white supremacy in the different States through the agency of the law, they deprecate open boastful statements by distinguished men of the South that the law is a farce; that the law is only intended for one class of people, and does not operate upon the other; that the law is simply a fraud upon the people of the nation and is used in the spirit that marked the treatment of the negroes before the constitutional amendments were adopted, according to the avowals of the Senator from South Carolina.

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. I do.

Mr. CLAY. Will the Senator from Colorado name the distinguished men from the South who have insisted that the law is a farce; that the law is a fraud; that the law ought not to be enforced, and that lynch law is proper? I would be glad to have the Senator name the distinguished gentlemen from the South who have insisted that any such course ought to be pursued.

Mr. PATTERSON. Mr. President, I did not say that any distinguished man from the South had stated that lynch law was proper; but I will name the Senator, I will name the distinguished man from the South who travels all over the North lecturing at Chautauquas and in great cities, who, coming from the South, received as a representative of the South, does openly proclaim in nearly every speech he makes that the constitutional provisions as put into the constitutions of several Southern States were intended to operate only upon the negroes, and did not operate upon the whites, while in terms they were to operate upon both.

I clipped from the Baltimore American of a few days ago, from the issue of January 5, the report of a lecture delivered by the distinguished Senator from South Carolina in the State of Maryland; and whatever the distinguished Senator would say in Maryland he would say in New York, or in Illinois, or in Colorado.

Mr. TILLMAN. Or here. [Laughter.]

Mr. PATTERSON. And if the Senator from South Carolina has been misquoted, certainly he will not hesitate to make note of the fact as I read. I quote from the Baltimore American, which has at the head of the address a magnificent picture of the Senator, of which he ought to be proud. I quote the following from that speech:

The amended Constitution has declared that the negro shall have the same rights as enjoyed by a white man. The Supreme Court of the United States has declared the State has the right to regulate its suffrage privilege. The fourteenth amendment gives the negro the right to vote. The fifteenth amendment declared that no State shall pass a law discriminating against the negro. We can pass laws depriving foreigners of the right to vote, but we can not pass laws applying to the negroes. We are, therefore, bound and shackled by this law. We looked for relief. We decided that no man should vote unless he can read or write or pay taxes on property valued at \$300.

Mr. TILLMAN. "Read and write."

Mr. PATTERSON. The article says "read or write," but the Senator states that it should be "read and write."

We decided that no man should vote unless he can read—

And taking the correction of the Senator—

and write or pay taxes on property valued at \$300. We had the problem of saving votes of some of our white citizens who could not read nor write or who did not own property worth \$300. I would have my hand burned off before I would agree to the disfranchisement of a single white man unless he committed some crime. I urged our people to hold a constitutional convention. I was called a demagogue. Well, I tell the truth as I see it.

We introduced the *understanding clause*, which we found we borrowed from Mississippi. It is the most charming piece of mechanism ever invented. Well, the officers of registration were white men. We do not want any more negro officers in South Carolina. We had enough of them once to last us ten thousand years.

I never served as a registration judge, but I suspect I know how the judges acted. I know if I had been a registration officer I would have acted as I shrewdly suspect that the judges did act. The white man would apply for registration. "Can you read?" the judge would ask. "No." "Can you write?" "No." "Do you own property worth \$300?" "No." The judge would then read a single clause of the Constitution. The white man could understand it. When the negro applied and could not read or write or did not own property, he was asked to explain a clause with constitutionalities on which lawyers differ. He could not explain the clause. "Very sorry," said the judge; "we can not register you." "Good-bye, boss."

The negro quit voting in South Carolina in 1882. He found that it was not healthy to go to the polls.

Does that meet the request of the Senator from Georgia? What room is there to misunderstand the meaning of the Senator who delivered that address?

Mr. TILLMAN. I fail to see any advocacy of murder or force.

Mr. PATTERSON. Oh, no. I did not say that you advocated murder or force. What I undertook to show was that a distinguished Senator was boasting that the franchise constitutional amendments were used as frauds, to operate only against black men, when they were intended to operate upon white and black alike, and that thereby fraud was committed upon the country and the colored voter.

Mr. TILLMAN. Does the Senator think fraud was committed upon the country when every man who could read understood just exactly what was meant and why that elastic provision was put in?

Mr. PATTERSON. Oh, I don't know about that.

Mr. TILLMAN. Then why say a fraud was committed when the Republican Supreme Court has sustained that clause of the Mississippi constitution as being in accord with the Constitution of the United States?

Mr. PATTERSON. Mr. President, I take issue with the Senator from South Carolina. I am glad to say that but few of the representative men from the South assert that those amendments were adopted merely to pretend that which they stated. I do not believe there is another Senator upon the floor who will rise in his place and admit or assert that the constitutional amendments of his State are openly administered for the purpose of allowing white men, who come within their prohibition, to vote and to prevent every colored man from voting.

Mr. TILLMAN. If the Senator will allow me now—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. I yield.

Mr. TILLMAN. The grandfather clause which has been adopted by three or four States, if I recall the words, provides that no man shall vote in a certain State unless he can read and write or is the descendant lineally of a man who could vote in 1860. Everybody knows that nobody could vote in 1860 except white people. If that is not a plain evasion of the proposition that there shall be no discrimination on account of race or color, what is it?

So far as concerns my being a representative man of the South, I do not care a straw whether anybody anywhere acknowledges it. So long as I represent the eighty-odd thousand men in South Carolina who at the last primary voted for me—and I had no opposition and the legislature next Tuesday will elect me to represent the people of that State—I do not care whether the people of Colorado like it or not.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. PATTERSON. Yes.

Mr. MONEY. I take advantage too often, I am afraid, of the courtesy of the Senator from Colorado. I wish to say that the statement which he read from the lecture of the Senator from South Carolina [Mr. TILLMAN] does not correctly state the position of things in Mississippi. For instance, in that State there is no writing clause nor any property clause. It is only required that the man who desires to register can read a clause of the Constitution, and not explain it, but can understand it when it is read to him. That is all. If the man reads at all, whether he is black or white (and I want to say that nearly every black man in the State can read) then he can vote. But if he can not read, it is intended as a softening of the hardness of that provision by saying if he can understand.

I wish to say, if the Senator will permit me, in order that this matter may be put straight before the country, that I have inquired all over the State and I have never found one instance where any man, black or white, was refused registration because he could not understand a clause of the Constitution. The reason why that clause was put in is this: Senator George, who is now dead, lately a distinguished member of this body, was the constructive statesman of that constitution. He was opposed to educational, property, and other clauses of that sort. It was passed over his head, and he introduced the understanding clause as a mitigating fact.

If the Senator will permit me further, I will say that in Mississippi there is no grandfather clause, and the only thing of any value is the poll tax for two years, which is required, and that is what keeps the great body of the negro voters from the polls. Now, it is not my fault or anybody's else fault that the negro does not pay the tax. I want to say if a white man does not pay his tax he does not vote, either.

I am indebted to the Senator for this opportunity to put my State right on the record, as it has been a little misrepresented.

Mr. PATTERSON. I trust the Senator from Mississippi does not for a moment suppose that I am criticising any man in his State, nor was I in any manner impugning the provisions of the constitution of the State of Mississippi, nor do I in any manner impugn the righteousness or the justice of the provisions in the constitution of the State of South Carolina. What I do object to, Mr. President, is any leading man of the South on this floor and throughout the States of the North proclaiming for the South that for the purpose of disfranchising the negro they and their election judges are lawless, and that the law is administered for the purpose of unjustly and illegally depriving men of one color of the vote to which they are entitled while it does not operate the same way upon men of the white race, although they admit it was intended to operate alike upon both.

I have attempted to say—and if I have not said it I wish to say it now—I do not believe that even a small proportion of the people of the South are in sympathy with proceedings of this character. I believe, as was stated by the Senator from

Mississippi, that having provided these safeguards in the constitution, the men of the South seek, as a rule, to administer the constitution and the law in their true spirit and not for the purpose of defrauding one element in the community and favoring other elements in the community that have, under the letter of the constitutions of the States, the same identical voting privileges.

What I mainly object to is this, and I speak in behalf of millions of Democrats in the North: I do not wish their views to be misinterpreted. They have no more respect for the lawbreaker in dealing with elections than they have for the lawbreaker in dealing with the property of his neighbor. They were perfectly content, realizing the problem that had devolved upon the people of the South, that they should protect themselves by constitutions and laws which on their face were fair and just and applied to all alike. They want to feel and believe that those laws are administered in the spirit in which they understood they were enacted. When men from the South visit Chicago and other northern cities and announce the things that I have objected to, the impression is created that the men of the South are a law-violating and a law-defying population, and that the negroes of the South have no rights that the white men regard themselves under any obligations to respect.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. I do.

Mr. TILLMAN. I suggest to the Senator from Colorado that instead of offending my colleagues here and using the words "men of the South," whenever he refers to something I have said or done anywhere, he just simply say, "Whenever the Senator from South Carolina goes to Chicago and other northern cities and says so and so." The Senator from South Carolina is responsible to himself and his constituents, and not to anybody else; and what if the people of the North listen to me and applaud me and show by their actions that they agree with me? I wish to say to the Senator from Colorado that I will debate with him in Colorado at any time, if he wants to, the question of the equality of man and the equality of the negro with the white man.

Mr. PATTERSON. The Senator from South Carolina can get up no discussion with me upon the equality of man, and I have only referred to men of the South, and distinguished men of the South, to enforce the proposition that when certain distinguished men from the South visit the North and make statements of this kind the entire South must bear the odium and the burden, and we of the North who are fighting Democratic battles are met with the statements that such are the sentiments of the people of the South, and we do not and can not agree with them.

I have no question that the Senator can gather and does gather thousands to hear him and thousands who will applaud him, but I state it as my profound conviction that when they applaud expressions approving of lawlessness, rejoicing in the use of force for whatever unlawful purpose, they are not the best elements of the North and they do not represent the mass of the party in the North to which he and I belong. [Applause in the galleries.]

Mr. TILLMAN. Will the Senator from Colorado permit me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. I can not, of course, undertake to pass upon the character of the northern audiences, except to say that, so far as I have been able to judge, they are people of intelligence, people of refinement and education, and in every way as good as the country up there has got. I may be mistaken, but I will call attention to the fact that Chautauquas and lyceum lectures are not supported by either ignorant people or poor people. And so far as my own party in the North is concerned, it has such shining examples of demoralization, of ward politicians, of dirty, low creatures who have not enough character or anything else to get any votes unless they buy them, that I do not care if we never have any of that type to back us up in the South. We have no use for them. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair again admonishes the occupants of the galleries that under the rules of the Senate manifestations of approval or disapproval are prohibited. The Chair trusts that it will not be necessary to repeat this admonition.

Mr. PATTERSON. I will not reply in any wise to the last utterance of the Senator from South Carolina.

I want to refer now that I am on my feet to the matter of criminal assaults in the South, upon the horror of which is based the violent attitude of those who are in sympathy with the Senator from South Carolina. Nobody can utter more

heartfelt and more violent execrations than I would if I had the power of language which others possess. But the most decisive condemnation of the crime, the most overwhelming abhorrence of it that can be spoken, I indorse with all my heart.

But I call attention to the fact that this awful crime is not as all-pervading and as universal with the blacks as the constant repetition and denunciation of the crime and the mob punishment that follows would seem to imply.

I have in my hand a tabulation of all the lynchings of the country during the year 1906. The tabulation was made in New Orleans, I suppose, as it bears the date line of that city, and it was sent to the country as the mathematical truth.

There were in the entire country in 1906 seventy-three lynchings. Of these but thirty-four were for criminal assaults and attempted criminal assaults. Of the seventy-three there were but thirteen actual assaults.

Mr. President, when you recall that there are about 10,000,000 negroes in the country and that about 90 per cent of those are in the States of the South, justice demands that so small a number, relatively, shall not be sufficient upon which to indict the entire black race for the crime and to use it as a logical argument in support of the proposition that the 10,000,000 black population shall be deprived of all political rights and be practically returned to the condition in which they were before the war, all on account of the misdeeds of but thirty-four of their people.

I commend what was said by the President in his last regular message upon the subject of lynching. It is justly and fearlessly spoken and bears no more harshly upon the one section than upon the other in connection with the crime. It is a homily upon the duties of citizenship in dealing with rape and every other character of crime that should be read and heeded by all.

The question is asked, How are these offenses to be prevented? I believe that if the real conservative and intelligent spirit of the South should prevail, if that which is taught by the great majority of its statesmen, by the presidents and professors in its institutions of learning, by the ministers from their pulpits, was observed, this crime would gradually and certainly die out. At least it would be committed by the blacks as rarely in the South as it is in the North, and it is hardly ever heard of in the Northern States.

Mr. President, if when the offense is perpetrated and the criminal arrested he were subjected to trial under the law in the community in which the offense was committed, and the law against the offense was enforced, as it would be, certainly and inexorably, I believe that such a regard by the whites for the majesty of the law would have a most salutary and gratifying effect upon the colored population. It would lead and encourage them to respect the law and to strive the harder to put a bridle upon their passions. I have no doubt, Mr. President, but that violence and lawlessness on the part of the dominant population of a community beget lawlessness and violence and the commission of just such crimes by those against whom lawless violence was instituted to suppress them.

Mr. MONEY. Will the Senator from Colorado allow me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. PATTERSON. Certainly.

Mr. MONEY. There have been instances of criminal assaults by negroes in the State of Colorado, and the guilty men were burned at the stake by the mob.

Mr. TILLMAN. The same in Kansas and Delaware.

Mr. MONEY. I am speaking now of only one State, the one represented by my distinguished friend the Senator from Colorado.

If he will permit me—and I interrupt him with great reluctance—I will state that the author of that message which the Senator has just read has unfortunately written a book, and in that book he states—it was written a long time ago, some ten or fifteen years, I believe it was—that horse thieving was so prevalent in Idaho—horses being the only property citizens had, the land all belonging to the United States—that it had to be stopped; that the law was insufficient, and the mob hanged fifty-nine men. The author said of course they sometimes got the wrong man, which seemed to be inevitable under the circumstances. He applauded the proceeding, and said the result was good; that it drove the horse thieves from the State.

I do not care to use that except in answer to the message itself. They are both in print and both on record.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. PATTERSON. Certainly.

Mr. HEYBURN. I think the Senator from Mississippi inad-

vertently used the name of the State of Idaho when he intended to refer to some other State.

Mr. MONEY. As the Senator from Idaho is alive, I, perhaps, was mistaken. [Laughter.]

Mr. HEYBURN. I suppose the Senator did not intend to refer to the State of Idaho—

Mr. MONEY. Of course that is all pleasantry.

The VICE-PRESIDENT. The Senator from Mississippi will suspend until the Senate is in order.

Mr. MONEY. I beg pardon. The Senator from Idaho is always courteous. Of course that was jocular between the Senator and me.

I may be mistaken about Idaho. It may be Wyoming, as the Senator from Wyoming [Mr. WARREN] is not present.

Mr. WARREN rose.

Mr. MONEY. It was one or the other State. You will find it in the book called "Ranching in the West" or "Roughing it in the West."

Mr. HEYBURN and Mr. WARREN addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Colorado yield?

Mr. PATTERSON. I do not want this to turn into an experience meeting.

Mr. HEYBURN. I merely want the record corrected, unless it was an inadvertence on the part of the Senator, because I think the facts that he was stating did not relate to the State of Idaho.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PATTERSON. Certainly.

Mr. WARREN. Mr. President, Wyoming does not deserve the stigma my friend put upon it.

Mr. MONEY. I was not putting any stigma at all. I was only quoting the language of the book.

Mr. WARREN. In the thirty-nine years I have lived in what is now Wyoming—for when I took my residence there it was not Wyoming, but a part of Dakota and of other States and Territories—I have never known of an instance of that kind. I know we are slightly out of fashion in that regard. If it will add anything to the gayety of the occasion, I will apologize for it.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield further to the Senator from Idaho?

Mr. PATTERSON. Certainly.

Mr. HEYBURN. I deem it my duty to say in this connection that never during the quarter of a century that I have lived in Idaho has there been a lynching within the State for any cause.

Mr. PATTERSON. Now that Idaho is purged, I propose to go on. I would name the Territory, now a State, to which the President referred in his book were it not that I know we would have two more Senators rising either to protest or explain the occurrence.

Mr. TILLMAN. I hope the Senator will give us—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TILLMAN. For the benefit of those of us who have not such good memories—

The VICE-PRESIDENT. The Senator from Colorado has not yielded.

Mr. PATTERSON. The Senator from South Carolina, I think, is through now.

Mr. TILLMAN. I only wish to ask a question of the Senator.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. For a question.

Mr. TILLMAN. What State is it that the President alluded to in that book?

Mr. PATTERSON. It was not Colorado. The State was not a State at the time of the occurrences. It was in that great intermountain section of the country where society was not organized, where the population was exceedingly sparse, and where, as in every new country before the machinery of the law has been put in full operation, the people themselves have had to act for self-protection.

But I am inclined to think, Mr. President, that occurrences of that kind in a new country, in an almost virgin country, could not be used to parallel like occurrences in the very oldest States of the Union, in the original colonies that rebelled against Great Britain and, with other colonies, fought and won the war of the Revolution; States in which as colonies and States law and order have been firmly enthroned for more than two cen-

turies and in which society has reached the highest state of perfection that is attainable in our country; States in which I believe the best thought is against violence of every character and that would be quite willing, aye, States that would rejoice, Mr. President, in having every quality of criminality punished under the terms of the law and by those appointed to administer it.

It is true, Mr. President, as was stated by the Senator from Mississippi, that seven or eight years ago a negro committed an offense of this character in Colorado. It was away in the eastern portion of the State, upon the broad unpopulated plains, between the settled parts of Kansas and the settled parts of Colorado; in a section of the State where homes are few and distances between them are great; where many miles measure these distances and the population, whatever it is, live an isolated and lonely existence.

But I want to say, Mr. President, that the press of the State and the churches of the State and the public men of the State almost without exception denounced the deed. I am compelled to say with regret that within the past sixty days another lynching occurred, but it was in nearly the same section. It was a white man that was lynched for the killing of a white official, and in all human probability there would have been another lynching for a like offense shortly thereafter had it not been that the gravest doubt existed as to the identity of the man arrested for the crime.

But, however many cases may be cited it does not justify the substitution of the lawlessness of a mob for the due and orderly administration of the law in conducting government. Especially is this true when, as I am convinced it is, if instead of mob law the due and orderly administration of the law was substituted the number of offenses that provoked the mobs would be greatly lessened and only those who committed the offenses would be punished for them.

It is also true, Mr. President, that mob violence exercised for one crime weakens the bonds of the law when other crimes are committed. It leads to the infliction of death for offenses that are trivial and that would be punished by no more than a fine if the law itself was allowed to have its course. Let me read from the article giving the statistics of mobs for 1906, to which I have heretofore referred. It sets forth the different crimes for which the 73 lynchings were inflicted:

Following were the crimes charged against the 73 victims of mob wrath: Triple criminal assault, 1; criminal assault, 13; attempted criminal assault, 19; assault and murder, 1; murder, 15; attempted murder, 11; murder and robbery, 1; dual murder, 1; quadruple murder, 3; quintuple murder, 1; miscegenation, improper proposals, robbery, carrying pistol—

Lynched to his death for carrying a pistol—

theft of calf, theft of \$1, disorderly conduct, one each. The disorderly-conduct case was an outgrowth of the Atlanta riots. The pistol-carrying incident and that of the theft of \$1 and the theft of a calf provoked wide indignation.

Mr. TILLMAN. Will the Senator give the name of the authority he is quoting? What is it?

Mr. PATTERSON. It is, I think, an Associated Press dispatch. Its date line is New Orleans, and it purports to give all the lynchings in the United States and the causes that led up to them in the year 1906.

Mr. TILLMAN. Who compiled it?

Mr. PATTERSON. I do not know. If it comes from the Associated Press agent at New Orleans, in all probability he is a member of the staff of one of the New Orleans papers.

But, lest there might be some error, let me state that they give in this compilation the number of lynchings charged to each State. Let me see whether or not they have stated that correctly. We have two Senators here from each State and they must know whether the number against their State is correct. Alabama has five.

Mr. TILLMAN. In what time?

Mr. PATTERSON. In the year 1906. Arkansas, four. Colorado, one, the one to which I just referred. Florida, six; Georgia, nine; Indian Territory, one; Kentucky, three; Louisiana, nine; Mississippi, five; Maryland, one; Missouri, three; North Carolina, five; South Carolina, five; Tennessee, two; Texas, six. Of these lynchings the following were the numbers in each State for criminal assaults and attempts to commit such assaults: Alabama, four; Arkansas, three; Florida, one; Georgia, four; Indian Territory, one; Kentucky, two; Louisiana, four; Mississippi, five; Maryland, one; Missouri, three; South Carolina, two; Tennessee, one; Texas, three.

Mr. TILLMAN. Mr. President, I am not prepared—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Yes, sir.

Mr. TILLMAN. I am not prepared to verify the accuracy of that statement, but I will say to the Senator that as long as the negroes continue to ravish white women we will continue to lynch them.

Mr. PATTERSON. If I had supposed that I would have provoked another such utterance as that from the Senator, I would have omitted the State of South Carolina from my summary.

Mr. President, what I appeal for is this (and I do it in behalf of the people of the South as well as in behalf of the people of the North), that it shall not stand unchallenged that the aim of the people and the statesmen of the South is to disfranchise the negro; that the aim is to repeal the fourteenth amendment; that their purpose is to return 10,000,000 negroes to practical bondage, to range them side by side with the horse and the cow upon the plantation, to treat them with kindness if they merit it, to pat them as you pat a swift and kindly horse, to give them food as you would feed your animals, and deprive them of all political rights under the Constitution of our country, in this the greatest and most righteous republic of which the world has record.

I give it as my opinion that unless this sort of talk by leading southern statesmen is stopped, although it is not in harmony with the best thought of the South, the restoration of Democratic supremacy in any State of the North is unlikely.

Mr. MONEY. Will the Senator permit me again to interrupt him?

Mr. PATTERSON. Yes, sir.

Mr. MONEY. Mr. President, I think the Senator from Colorado has allowed his imagination to be somewhat inflamed by these newspaper figures. I want to ask him what he thinks about the law-abiding people of the South as compared with the law-abiding people of Colorado, and if he believes that there has ever been in the South a state of such revolutionary riot, disorder, violence, and disregard of law as existed in his own State under a dictatorship and a military there when hundreds of people were exported, without any trial, beyond the limits of the State, and nobody was safe and assassination was riot? Has there ever been in the South an exhibition of inefficiency of government and the triumph of a nonlaw-abiding spirit such as there was in Colorado? I am speaking about the year 1904, I think, or 1905 probably, and I want to say that I got it all from the Senator's paper. [Laughter.]

Mr. PATTERSON. Mr. President, I have not hesitated to speak my sentiments about the things the Senator refers to and my abhorrence of them upon every proper occasion. But I will not digress from the topic in hand for the purpose of taking up that subject now. If I did, it might create the impression that I was arraigning the people of the Southern States along the lines that the Senator from Mississippi has suggested.

I have spoken, Mr. President, to little effect if the Senator from Mississippi believes that I have assailed the people of the South. On the contrary, I have attempted to maintain, in my own weak and imperfect way, that the men who indict the people of the South are few in number, and though distinguished they come from the South itself, and they are not Senators or men or newspapers from the North; for in the North they believe with me that the great mass of southern people, the best thought of the South, the intelligence and the Christianity of the South, revolt at the deeds I have been discussing, and if they could dominate the lawless spirit that breaks loose under provocation of such assaults in their States these violations of the law would cease.

Mr. MONEY. Now, I will ask the Senator to allow me a question.

The VICE-PRESIDENT. Does the Senator from Colorado yield further to the Senator from Mississippi?

Mr. PATTERSON. Certainly.

Mr. MONEY. I am trespassing upon the Senator's courtesy because I know he does not want the actual condition of things to be misrepresented. He has shown what he calls the "lawlessness of the South," not one or two men, but all the South, and my State is one of those that has been arraigned not only as a State, but in the person of its governor. I want to say now, and it will not be contradicted by anybody, that there is not a governor in the United States who has made a more manly, determined, and resolute effort and met with more success to put down the lynching and mob spirit than has the governor of Mississippi. It is true that in his speeches he has spoken without fear, arising from the personal and intellectual intrepidity that belongs to him naturally, what he thought about great public questions, but in the execution of the law there has been no more faithful administrator within all the sisterhood of States than the governor of the State of Mississippi. The records bear me out in the statement that he has

risked his own person time and again; that he has prevented many lynchings and brought criminals to justice. Only the other day he offered a reward for a white man who killed two negroes in a difficulty down there, which was begun by the assassination of one conductor and the cutting to pieces of another with a knife by a negro, and the killing of an officer who attempted to arrest the negro. Yet, as two negroes were murdered, the governor has offered a reward for the murderers of those negroes, as well as for the murderers of the white man. I want the Senator to absolve him at least as one of the men of the South who has done everything as governor that could be done by person and doctrine, too, in keeping down the mob spirit and in maintaining and supporting the courts of the country.

Mr. PATTERSON. Mr. President, what the Senator from Mississippi says as to Governor Vardaman is true. He has put up a manly front against the things I am decrying. The only thing that I said, or intended to say, about Governor Vardaman was that he is one of the few public men who have expressed themselves as demanding the repeal of the fourteenth and fifteenth amendments. To that extent I think the Senator from Mississippi will admit that I do not do him an injustice.

Mr. MONEY. Mr. President, if the Senator will allow me, I was only replying to the charge of general violence throughout the South and the record of lynching in my State, as well as others, going into his own State. The effect is as to all States, but the sermon is as to the South.

Mr. PATTERSON. I had attempted to show, Mr. President, not that lawlessness was extant over the South. I thought that I had succeeded in making the Senate feel that my views were different. What I attempted to express is that certain violent utterances in the North by some representative men of the South convey the impression to the North that they represent a public sentiment in the South that upholds mob lynchings to vindicate the law. This I know every Senator from the South, with few exceptions, does not approve of.

I repeat, Mr. President, what I have before suggested, that the best thought of the South is not in line with utterances that glory in the lynching of any man, whatever his crime, in an old-established and civilized society. It is not in line with the thought that would restore the negro practically to a state of bondage, but it is looking forward to the solving of these great problems along lines of reason and justice and common sense, recognizing that the white and the black must live together and that it is utterly impossible that the nation will consent to the disfranchisement of 10,000,000 of its people whom it enfranchised at the close of the civil war; and that it believes that the men of the South should set themselves about solving this tremendous problem along lines totally different from those adopted by the men to whom I refer.

Mr. President, the man who presides over the University of Virginia, the great institution of learning that was founded by Thomas Jefferson, in touching upon this subject said:

The best southern people are too wise not to know that posterity will judge them according to the wisdom they use in this great concern. They are too just not to know that there is but one thing to do with a human being, and that is to give him a chance.

Professor Woodward, of Trinity College, of the State of South Carolina—

Mr. TILLMAN. North Carolina, I think.

Mr. PATTERSON. Of North Carolina, made this statement:

What is to be done with the negro race? It must somehow be built into this national fabric, and organically incorporated with the national life and character.

Mr. OVERMAN. Who is that?

Mr. PATTERSON. Professor Woodward, of Trinity College.

Mr. TILLMAN. If the Senator will permit me—

Mr. PATTERSON. I find these quotations in a late article written by Washington Gladden, and I do not believe he would—

Mr. TILLMAN. He is simply mistaken. I do not suppose he intended to say something not true, but there is no Trinity College in South Carolina.

Mr. SIMMONS. Mr. President—

Mr. PATTERSON. Is there a President Woodward in South Carolina?

Mr. TILLMAN. No.

Mr. SIMMONS. There is a Trinity College in North Carolina, but I do not think there is any such professor there. I have never heard of any such man in North Carolina.

Mr. PATTERSON. There seems to be—

Mr. OVERMAN. I am a trustee of the college and I know of no such man there now, and I do not think there has been.

Mr. PATTERSON. Is there a President Kilgo in Trinity College?

Mr. OVERMAN. Yes, sir.

Mr. PATTERSON. Very well, we have the man located in North Carolina, as president, I believe, of Trinity College. I suppose Kilgo would fairly represent the best thought of the South.

Mr. OVERMAN. He is a South Carolinian.

Mr. PATTERSON. He is a South Carolinian and the president of Trinity College, in North Carolina. Now, to demonstrate how North Carolina stands, let me read what President Kilgo said:

For a superior race to hold down an inferior one simply that the superior race may have the services of the inferior was the social doctrine of medievalism. To deny the negro the strongest and the highest influences is to enslave him to a life of moral weakness and moral degradation. And the God who made him, in the final settlement of human history, will not likely overlook such unrighteous conduct.

Rev. Edgar Gardner Murphy, of Alabama, had something to say upon this question, and it was this:

While the development of the higher life (of the negro) may come slowly, even blunderingly, it is distinctly to be welcomed.

Mr. President, I heartily echo these sentiments of the distinguished scholars and educators of the South. I can not give a certain panacea for these troubles, but I think there is one panacea that is well worth trying. It is the enactment of just and righteous laws under the Constitution, the execution of those laws, and the discountenancing upon every provocation of mob law and lynchings because merely accused of crime. Continue as the South has begun, to educate the negro, make him safe in his property holdings, surround him with influences that will improve his moral character, and above all impress him with the justice and humanity of the dominant race. The negro has become a part of this national fabric; his place in it must be a logical one; it must be one in which he can maintain his self-respect and enjoy the benefits and bear the burdens of a Government he helps to maintain. This does not embrace the idea of social equality at all. No one is so ignorant in this day and generation as to regard it as within the pale of possibility. The problem must be worked out along lines of law and righteousness. If that shall be done, the difficulties will vanish with the advance of time, and peace and hearty cooperation will take the place of strife and industrial chaos.

Mr. CULLOM and Mr. FORAKER addressed the Chair.

The VICE-PRESIDENT. The Senator from Illinois. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. CULLOM. Not for a speech. I wish to move an executive session after giving a notice.

Mr. FORAKER. I rose, Mr. President, to ask that the resolution which has been under consideration may go over with the understanding and agreement that it shall be taken up at the close of the routine morning business on Monday.

Mr. CULLOM. Mr. President, I rose for the purpose, first, of giving notice that on Monday morning, immediately after the morning business is over, I would ask the Senate to take up the legislative, executive, and judicial appropriation bill, and complete it before there is further discussion upon any other question.

Mr. FORAKER. Mr. President—

Mr. CULLOM. I hope Senators will bear in mind that the appropriation bills must be considered as they come along. Otherwise we will reach the 4th of March without the necessary appropriations having been made and an extra session will be forced upon us.

Mr. FORAKER. I make the request subject to the right of the appropriation bill, if the Senate is ready to proceed with it at that time. I understand it will not take a great while to dispose of it.

Mr. CULLOM. I hope not.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that the pending resolution shall go over, to be taken up immediately after the routine morning business on Monday next, but not to interfere with the pending appropriation bill. Is there objection? The Chair hears none, and it is so ordered.

LOUIS A. BAIRD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5001) granting an increase of pension to Louis A. Baird; which was, in line 8, to strike out "thirty-six" and insert "thirty."

Mr. CULLOM. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the

consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, January 14, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 12, 1907.

COLLECTOR OF CUSTOMS.

Charles H. Marchant, of Massachusetts, to be collector of customs for the district of Edgartown, in the State of Massachusetts. (Reappointment.)

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. William Clayton Ward to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906, in place of Second Lieut. Henry Ulke, jr., promoted.

ASSISTANT SECRETARY OF THE TREASURY.

Arthur F. Statter, of the State of Washington, to be Assistant Secretary of the Treasury, in place of Charles H. Keep, resigned.

RECEIVER OF PUBLIC MONEYS.

John J. Lambert, of Colorado, to be receiver of public moneys at Pueblo, Colo., to take effect March 3, 1907, at the expiration of his present term. (Reappointment.)

REGISTER OF LAND OFFICE.

Samuel A. Abbey, of Colorado, to be register of the land office at Pueblo, Colo., to take effect March 3, 1907, at the expiration of his present term. (Reappointment.)

UNITED STATES MARSHAL.

Dewey C. Bailey, of Colorado, to be United States marshal for the district of Colorado. A reappointment, his term expiring February 25, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 12, 1907.

INDIAN INSPECTORS.

Arthur M. Tinker, of Massachusetts, to be an Indian inspector, his term having expired December 19, 1906.

James McLaughlin, of North Dakota, to be an Indian inspector, to take effect January 19, 1907, at the expiration of his term.

APPOINTMENTS IN THE ARMY.

General officers.

Brig. Gen. J. Franklin Bell to be major-general from January 3, 1907.

Col. Edward S. Godfrey, Ninth Cavalry, to be brigadier-general.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be captain.

First Lieut. Guy S. Norvell, Eighth Cavalry, from October 2, 1906.

To be first lieutenants.

Second Lieut. Guy Kent, First Cavalry, from August 2, 1906.

Second Lieut. Copley Enos, First Cavalry, from August 10, 1906.

Second Lieut. Emory J. Pike, Second Cavalry, from August 20, 1906.

Second Lieut. Williams S. Martin, Fourth Cavalry, from September 13, 1906.

Second Lieut. Frank E. Sidman, Eighth Cavalry, from September 13, 1906.

Second Lieut. Frederick Mears, Fifth Cavalry, from September 20, 1906.

Second Lieut. Alden M. Graham, First Cavalry, from October 1, 1906.

ARTILLERY CORPS.

To be first lieutenant.

Second Lieut. Norris Stayton, Artillery Corps, from December 21, 1906.

INFANTRY ARM.

Lieut. Col. Charles L. Hodges, Twenty-third Infantry, to be colonel from January 1, 1907.

Maj. Edwin F. Glenn, Fifth Infantry, to be lieutenant-colonel from January 1, 1907.

Capt. Zebulon B. Vance, Eleventh Infantry, to be major from January 1, 1907.

To be captains.

First Lieut. Josiah C. Minus, Tenth Infantry, from October 6, 1906.

First Lieut. Charles M. Bundel, Twenty-fifth Infantry, from October 20, 1906.

First Lieut. Laurence Halstead, Thirteenth Infantry, from October 20, 1906.

First Lieut. Frederick W. Van Duyne, Fourth Infantry, from October 31, 1906.

First Lieut. Charles D. Herron, Eighteenth Infantry, from November 2, 1906.

First Lieut. James Hanson, Fourteenth Infantry, from December 2, 1906.

First Lieut. Fred R. Brown, Ninth Infantry, from December 4, 1906.

First Lieut. William T. Merry, Twenty-third Infantry, from December 15, 1906.

PROMOTIONS IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Second Lieut. Teofilo Marxuach, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from November 20, 1906.

Second Lieut. Eugenio C. de Hostos, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from November 20, 1906.

POSTMASTERS.

ARKANSAS.

Eva V. Harrington to be postmaster at Earl, in the county of Crittenden and State of Arkansas.

CONNECTICUT.

Arthur B. Jelliffe to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut.

ILLINOIS.

John B. Stout to be postmaster at Lawrenceville, in the county of Lawrence and State of Illinois.

INDIANA.

Edward L. Troop to be postmaster at Paoli, in the county of Orange and State of Indiana.

INDIAN TERRITORY.

A. E. Martin to be postmaster at Marietta, District 26, Ind. T.

IOWA.

William J. Scott to be postmaster at Ida Grove, in the county of Ida and State of Iowa.

MARYLAND.

Charles W. Farrow to be postmaster at Snow Hill, in the county of Worcester and State of Maryland.

OREGON.

Edward D. Starr to be postmaster at Brownsville, in the county of Linn and State of Oregon.

PENNSYLVANIA.

John C. F. Miller to be postmaster at Rockwood, in the county of Somerset and State of Pennsylvania.

NEW MEXICO.

Tennessee C. Hill to be postmaster at Dawson, in the county of Colfax and Territory of New Mexico.

NEW YORK.

George Anderson to be postmaster at Castleton, in the county of Rensselaer and State of New York.

Paul R. Clark to be postmaster at Auburn, in the county of Cayuga and State of New York.

David Doremus to be postmaster at Piermont, in the county of Rockland and State of New York.

Amelia L. Tyler to be postmaster at Hurleyville, in the county of Sullivan and State of New York.

Sarah H. Young to be postmaster at Cornwall Landing, in the county of Orange and State of New York.

OKLAHOMA.

Jeannette L. Baker to be postmaster at Ponca, in the county of Kay and Territory of Oklahoma.

John D. Warford to be postmaster at Erick, in the county of Greer and Territory of Oklahoma.

VIRGINIA.

Charles A. McKinney to be postmaster at Cape Charles, in the county of Northampton and State of Virginia.

Annie E. Martin to be postmaster at Waverly, in the county of Sussex and State of Virginia.

Robert L. Poage to be postmaster at Wytheville, in the county of Wythe and State of Virginia.

WEST VIRGINIA.

Isaac M. Adams to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia.

Charles Edwards to be postmaster at Montgomery, in the county of Fayette and State of West Virginia.

James N. Knox to be postmaster at Shinnston, in the county of Harrison and State of West Virginia.

Benjamin R. Twyman to be postmaster at Cairo, in the county of Ritchie and State of West Virginia.

SENATE.

MONDAY, January 14, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

TIMBER ON THE MENOMINEE RESERVATION, WISCONSIN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting certain correspondence in relation to legislation authorizing the cutting and disposal of dead and down timber on the Menominee Reservation in the State of Wisconsin; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

SURVEY OF TANANA RIVER, ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from Maj. W. P. Richardson, Ninth Infantry, president of the Alaska Route Commission, submitting the engineer's report of the reconnaissance and preliminary survey of a land route from the navigable waters of the Tanana River, at or near Fairbanks, to the vicinity of Council City, in the Seward Peninsula, Alaska, for a mail and packet trail along such route, etc.; which, with the accompanying papers and maps, was referred to the Committee on Territories, and ordered to be printed.

CHESAPEAKE AND DELAWARE BAYS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, the report of the Commission appointed by the President of the United States to examine and report upon a route for the construction of a free and open waterway to connect with the Chesapeake and Delaware bays; which, with the accompanying papers and maps, was referred to the Committee on Commerce, and ordered to be printed.

ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to Fred Endsworth, Peoria allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MAIL MATTER OF DEPARTMENT OF COMMERCE AND LABOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a record of mail matter entered at the Washington city post-office under the penalty privilege by the Department of Commerce and Labor during the past six months; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 5119) authorizing the extension of W and Adams streets NW.; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. S. W. SMITH, and Mr. SIMS managers at the conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolution:

S. 6855. An act to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" and

S. R. 76. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.